



भारत का राजपत्र The Gazette of India

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No. 2]

NEW DELHI, SATURDAY, JANUARY 13, 1996/PAUSA 23, 1917

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए विधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(other than the Ministry of Defence)

कर्मिक, लोक शिकायत तथा पेंशन मंत्रालय
(कर्मिक और प्रशिक्षण विभाग)
नई दिल्ली, 28 दिसम्बर, 1995

MINISTRY OF PERSONNEL, P. G. AND PENSIONS
(Department of Personnel and Training)

New Delhi, the 28th December, 1995

का.आ. 71.—केन्द्र सरकार, आतंकवादी एवं
विध्वंसकारी कार्यकलाप (निवारण) अधिनियम, 1987 की
धारा 13 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग
करते हुए, केन्द्रीय सरकार एतद्द्वारा श्री आर. जे. त्रिवेदी
अधिवक्ता को गुजरात राज्य में उक्त अधिनियम की धारा
9 के तहत गठित नागरिकीय न्यायालय, अहमदाबाद में दिव्यो
विलेप पुलिस स्थापना द्वारा अन्वेषित अथवा चलाए गए निय-
मित मामला संख्या 1 (एस)/93—एस. आई. यू.—II/नई
दिल्ली (टी.सी.सी. संख्या 176/93) राजक बलात्कृत की
हत्या संबंधी मुकदमा और उससे संबंधित कोई अन्य मामला
अथवा इनसे अनुगमिक मामलों में अभियोजन के संबंधित के
लिए विशेष लोक अभियोजक के रूप में नियुक्त करती है।

S.O. 71.—In exercise of the powers conferred by the pro-
viso to sub-section (1) of Section 13 of the Terrorist and
Disruptive Activities (Prevention) Act, 1987 (28 of 1987),
the Central Government hereby appoints Shri R. J. Trivedi,
Advocate as Special Public Prosecutor for conducting prosecu-
tion of Regular Case No. 1(S)/93-SIU.II/New Delhi (TCC
No. 176/93) (Rauf Vallullah Murder case) and any matter
connected therewith or incidental thereto, investigated or
instituted by Delhi Special Police Establishment in the Desig-
nated Courts Ahmedabad constituted u/s. 9 of the said Act
in the State of Gujarat.

[संख्या 225/19/95—ए. बी. डी.—II]

एस. साउंदर राजन, अपर सचिव

[No. 225/19/95-AVD-II]

S. SOUNDAR RAJAN, Under Secy.

वित्त मंत्रालय
(राजस्व विभाग)

कार्यालय, आयुक्त केन्द्रीय उत्पाद एवं सीमा-शुल्क

अधिसूचना क्रमांक 4/95

इंदौर, 10 नवम्बर, 1995

सीमा शुल्क (शैर-टेरिफ)

का.आ. 72. —भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली के दिनांक 01-07-1994 की अधिसूचना सं. 33/94 सीमा शुल्क (शैर-टेरिफ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैं, गोविन्दन शे. तम्पी आयुक्त, केन्द्रीय उत्पाद शुल्क एवं सीमा-शुल्क, इंदौर एतद्वारा मध्य प्रदेश राज्य के "जिला-खरगोन" की "तहसील-कसरगढ़" के "ग्राम आरंगपुरा" को सीमा शुल्क अधिनियम, 1962 (1962 का 52) की धारा 9 के अंतर्गत भारत सरकार, उद्योग मंत्रालय, औद्योगिक विकास विभाग औद्योगिक अनुमोदित सचिवालय, निर्यात मूलक इकाई अनुभाग, नई दिल्ली द्वारा अनुमोदित शत प्रतिशत निर्यातोन्मुख उपक्रम स्थापित करने के सीमित उद्देश्य हेतु "अण्डागार स्टेशन" घोषित करता हूँ।

[फा. सं. I(गाम.) 19-13/95 शी०शु०]

गोविन्दन शे. तम्पी, आयुक्त

MINISTRY OF FINANCE

(Department of Revenue)

Office of the Commissioner, Customs and Central Excise

NOTIFICATION NO. 4/95

Indore, the 10th November, 1995

CUSTOMS (NT)

S.O. 72.—In exercise of the powers conferred by Notification No. 33/94-Cus.(NT) dated 01-07-1994 by the Govt. of India, Ministry of Finance, Department of Revenue, New Delhi, I, Govindan S. Tampi, Commissioner of Central Excise and Customs Indore hereby declares 'VILLAGH-AURANGPURA' TEHSIL, KASARAWAD DISTRICT KHIARGONE in the State of Madhya Pradesh as 'Warehousing Station' under section 9 of the Customs Act, 1962 (52 of 1962), for the limited purpose of setting up of 100 per cent Export Oriented Undertakings approved by the Govt. of India, Ministry of Industry, Department of Industrial Development, Secretariat of Industrial Approvals, EOU Section, New Delhi.

[F. No. I(Gen)19-13/95/CUS.]

GOVINDAN S. TAMPI, Commissioner

नई दिल्ली, 24 नवम्बर, 1995

(आयकर)

का.आ. 73. —आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) उपखंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "श्री माई बाबा संस्थान, शिरडी" को कर-निर्धारण वर्ष 1993-94 से 1995-96 तक के लिए निम्नलिखित

अर्थों के अन्वये करते हुए, उक्त उपखंड का प्रयोग करने का अधिकार सूचित करती है; अर्थात् :—

(i) कर-निर्धारणी इसकी आय का इसमें शामिल अथवा इसकी आय का इसमें शामिल करने के लिए इसका संबंधित पूर्णतया तथा अत्यंततया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;

(ii) कर-निर्धारणी उपर-उल्लिखित कर-निर्धारण वर्षों में संलग्न पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक वस्तु अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अथवा अनिवार्य) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा अथवा भुगतान;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार में प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसी कारोबार उक्त कर-निर्धारणी के उद्देश्यों को प्राप्त के लिए प्राप्तिक नहीं हो तथा ऐसी कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हो।

[अधिसूचना सं. 9911/फा. सं. 197/151/93-आयकर
नि.—I]

एच. के. चौधरी, अवर सचिव

New Delhi, the 24th November, 1995

(INCOME-TAX)

S.O. 73.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies Shri Sai Baba Sansthan, Shirdi for the purpose of the said sub-clause for the assessment years 1993-94 to 1995-96 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9911/F. No. 197/151/93-IT-AI]

H. K. CHOUDHARY, Under Secy.

नई दिल्ली, 27 नवम्बर, 1995

आदेश

(आयकर)

नई दिल्ली, 2 जनवरी, 1996

स्टाम्प

का.आ. 74.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखंड (V) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा "वीरायतन, राजगीर" को कर-निर्धारण वर्ष 1993-94 से 1995-96 तक के लिए, निम्नलिखित शर्तों के अधीन रहते हुए, उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिणी इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए, इसका संलयन पूर्णतया तथा प्रत्ययतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिणी ऊपर-उल्लिखित कर-निर्धारण वर्षों में संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जवर-जवाहिरान, फर्नीचर आदि का रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा आभूषण के रूप में ही जब तक कि ऐसी कारोबार उक्त कर-निर्धारिणी के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसी कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हो।

[अधिसूचना सं. 9912/फा.सं. 197/125/95-आयकर वि.-1]

एच. के. चौधरी, अवर सचिव

New Delhi, the 27th November, 1995

(INCOME-TAX)

S.O. 74.—In exercise of the powers conferred by sub-clause (V) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies Veerayatan, Rajgir for the purpose of the said sub-clause for the assessment years 1993-94 to 1995-96 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the form or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9912/F. No. 197/125/95-IT All]

H. K. CHOUDHARY, Under Secy.

का.आ. 75.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा से आई.टी. डब्ल्यू. सिगनोड इंडिया लिमिटेड, हैदराबाद को मात्र सात लाख पचास हजार रु. का समेकित स्टाम्प शुल्क अदा करने की अनुमति देती है, जोकि से. आई.टी. डब्ल्यू. सिगनोड इंडिया लिमिटेड, हैदराबाद द्वारा जारी किए जाने वाले दस करोड़ रु. के कुल मूल्य के सौ-सौ रु. के अंकित मूल्य के 001 से 10,00,000 तक की विशिष्ट संख्या वाले अपरिवर्तनीय ऋण पत्रों पर स्टाम्प शुल्क के कारण प्रभावी है।

[सं. 1/96-स्टाम्प फा.सं. 33/45/95-वि.क.]

एस. कुमार, अवर सचिव

ORDER

New Delhi, the 2nd January, 1996

STAMPS

S.O. 75.—In exercise of the powers conferred by clause (b) of sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits M/s. I.T.W., Signode India Limited, Hyderabad to pay consolidated stamp duty of Rupees Seven Lakhs fifty thousand only chargeable on account of the stamp duty on Non-Convertible debentures bearing distinctive number 001 to 10,00,000 of the face value of Rupees One hundred at par of the aggregate value of Rupees Ten crores to be issued by M/s. I.T.W., Signode India Limited, Hyderabad.

[No. 1/96-Stamp/F. No. 33/45/95-ST]

S. KUMAR, Under Secy.

(आर्थिक कार्य विभाग)

नई दिल्ली, 16 दिसम्बर, 1995

का.आ. 76.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियमावली, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में वित्त मंत्रालय, आर्थिक कार्य विभाग के प्रशासनिक नियंत्रण में स्थित राष्ट्रीय बचत संगठन के निम्नलिखित कार्यालय को, जिसके 80 प्रतिशत से अधिक कमचारीबुद्ध ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

राष्ट्रीय बचत संगठन,
क्षेत्रीय कार्यालय,
इलाहाबाद।

[संख्या 11013/9/95-हि.का.क.]

शुभ्र कुमार धर्मा, अवर सचिव

(Department of Economic Affairs)

New Delhi, the 26th December, 1995

S.O. 76.—In pursuance of sub-rule (4) of Rule 10 of the Official Language (use of official purposes of the Union) Rules, 1976, the Central Government hereby notifies the following office of National Savings Organisation, under the Administrative control of Ministry of Finance, Department of Economic Affairs, where of more than 80 per cent of staff have acquired working knowledge of Hindi.

National Savings Organisation,
Regional Office,
Allahabad.

[No. 11013/9/95-H.I.C.]

S. K. VERMA, Under Secy.

नई दिल्ली, 26 दिसम्बर, 1995

का.ग्रा. 77.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियमावली, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में वित्त मंत्रालय, आर्थिक कार्य विभाग के प्रशासनिक नियंत्रण में स्थित भारतीय जीवन बीमा निगम के निम्नलिखित कार्यालयों को, जिनके 80 प्रतिशत में अधिक कर्मचारीवृन्द ने हिन्दी का कार्यमाध्यक ज्ञान प्राप्त कर लिया है, अधिगृहीत करती है:—

भारतीय जीवन बीमा निगम :

1. मंडल कार्यालय, अमृतसर
2. शाखा कार्यालय-2, अमृतसर
3. शाखा कार्यालय, छहरटा
4. शाखा कार्यालय, रैय्या
5. शाखा कार्यालय, जीरा
6. शाखा कार्यालय-1, बटाला
7. शाखा कार्यालय, गुरदासपुर
8. मंडल कार्यालय-3, बम्बई
9. वेतन वचन योजना विभाग, "जीवन सेवा", बम्बई
10. शाखा कार्यालय 89—ए., बम्बई
11. शाखा कार्यालय 89—सी., बम्बई
12. शाखा कार्यालय 89—ई., बम्बई
13. शाखा कार्यालय 89—एफ., बम्बई
14. शाखा कार्यालय 89—जी., बम्बई
15. शाखा कार्यालय 89—एच., बम्बई
16. शाखा कार्यालय 91—सी., बम्बई
17. शाखा कार्यालय 91—क्यू., बम्बई
18. शाखा कार्यालय 91—वी., बम्बई
19. शाखा कार्यालय-886, बम्बई
20. शाखा कार्यालय-887, बम्बई
21. शाखा कार्यालय-888, बम्बई
22. शाखा कार्यालय-890, बम्बई
23. शाखा कार्यालय-891, बम्बई
24. शाखा कार्यालय-893, बम्बई
25. शाखा कार्यालय-924, बम्बई
26. शाखा कार्यालय-926, बम्बई
27. शाखा कार्यालय-935, बम्बई
28. शाखा कार्यालय-9051, बम्बई

29. विदेश परिचालन शाखा, बम्बई
30. गम्ह एच अधिवर्षिना विभाग, बम्बई
31. मंडल कार्यालय-4, बम्बई
32. शाखा कार्यालय-90ए., बम्बई
33. शाखा कार्यालय-90सी., बम्बई
34. शाखा कार्यालय-90एच., बम्बई
35. शाखा कार्यालय-880, बम्बई
36. शाखा कार्यालय-881, बम्बई
37. शाखा कार्यालय-884, बम्बई
38. शाखा कार्यालय-895, बम्बई
39. शाखा कार्यालय-896, बम्बई
40. शाखा कार्यालय-898, बम्बई
41. शाखा कार्यालय-899, बम्बई
42. शाखा कार्यालय-902, बम्बई
43. शाखा कार्यालय-906, बम्बई
44. शाखा कार्यालय-908, बम्बई
45. शाखा कार्यालय-912, बम्बई
46. शाखा कार्यालय-915, बम्बई
47. शाखा कार्यालय-919, बम्बई
48. शाखा कार्यालय-923, बम्बई
49. शाखा कार्यालय-925, बम्बई

[सं. 11013/9/95-हि.का.क.]

सुधीर कुमार वर्मा, अवर सचिव

New Delhi, the 26th December, 1995

S.O. 77.—In pursuance of sub-rule (4) of rule 10 of the Official Language (use of official purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices of the Life Insurance Corporation of India, under the Administrative control of Ministry of Finance, Department of Economic Affairs, whereof more than 80 per cent of staff have acquired working knowledge of Hindi.

Life Insurance Corporation of India :

1. Divisional Office, Amritsar.
2. Branch Office-II, Amritsar
3. Branch Office, Chhaharta
4. Branch Office, Raiyya
5. Branch Office, Zeera
6. Branch Office-I, Batala
7. Branch Office, Gurdaspur
8. Divisional Office-III, Bombay
9. Salary Saving Scheme Department, JIVAN SEVA, Bombay
11. Branch Office 89-A, Bombay
12. Branch Office 89-E, Bombay
13. Branch Office 89-F, Bombay
14. Branch Office 89-G, Bombay
15. Branch Office 89-H, Bombay
16. Branch Office 91-C, Bombay
17. Branch Office 91-Q, Bombay
18. Branch Office 91-V, Bombay
19. Branch Office 886, Bombay
20. Branch Office 887, Bombay
21. Branch Office 888, Bombay
22. Branch Office 890, Bombay
23. Branch Office 891, Bombay
24. Branch Office 893, Bombay
25. Branch Office 924, Bombay

26. Branch Office 926, Bombay
27. Branch Office 935, Bombay
28. Branch Office 9051, Bombay
29. Foreign Operation Branch, Bombay
30. Group and Annuity Department, Bombay
31. Divisional Office-IV, Bombay
32. Branch Office 90-A, Bombay
33. Branch Office 90-C, Bombay
34. Branch Office 90-H, Bombay
35. Branch Office 880, Bombay
36. Branch Office 881, Bombay
37. Branch Office 884, Bombay
38. Branch Office 895, Bombay
39. Branch Office 896, Bombay
40. Branch Office 898, Bombay
41. Branch Office 899, Bombay
42. Branch Office 902, Bombay
43. Branch Office 906, Bombay
44. Branch Office 908, Bombay
45. Branch Office 912, Bombay
46. Branch Office 915, Bombay
47. Branch Office 919, Bombay
48. Branch Office 923, Bombay
49. Branch Office 925, Bombay.

[No. 11013/9/95-H.L.C.]

S. K. VERMA, Under Secy.

नई दिल्ली, 26 दिसम्बर, 1995

का.आ. 78.—(केंद्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियमावली, 1976 के नियम 10 के उप-नियम (4) के अन्वय में वित्त मंत्रालय, आर्थिक कार्य विभाग के प्रशासनिक निंत्रण में स्थित भारतीय सांख्यिक सेवा नियम की अनुगामी कंपनियों के निम्नलिखित कार्यालयों को जिनके 80 प्रतिशत से अधिक कर्मचारीबन्ध ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है अधिसूचित

I. कंपनी का नाम : न्यू इंडिया इन्शोरेंस कंपनी लिमिटेड :

1. क्षेत्रीय कार्यालय, अहमदाबाद
2. मंडल कार्यालय, पंत भवन, बम्बई
3. मंडल कार्यालय-111000, बम्बई
4. मंडल कार्यालय-111400, बम्बई
5. मंडल कार्यालय-112000, बम्बई
6. मंडल कार्यालय-112300, बम्बई
7. मंडल कार्यालय-112500, बम्बई
8. डायरेक्ट एजेंट शाखा कार्यालय, बम्बई
9. शाखा कार्यालय पी.एम. रोड तम्बई

II. कंपनी का नाम : दि ऑरिएण्टल इन्शोरेंस कंपनी लिमिटेड :

- शहर शाखा कार्यालय-2, बड़ौदा
2. शहर शाखा कार्यालय-3, बड़ौदा
3. शाखा कार्यालय, बोरसद
4. शाखा कार्यालय, सम्भाव
5. शहर शाखा कार्यालय, धारवाड
6. शाखा कार्यालय, धारवाडी

7. शाखा कार्यालय, सीवान
8. अध्यक्ष शाखा कार्यालय, पटना
9. कल्याण मंडल कार्यालय, बम्बई
10. मित्रही शाखा कार्यालय, बम्बई
11. शाखा कार्यालय-7, बम्बई
12. उत्तमान नगर शाखा, कार्यालय, बम्बई
13. मंडल कार्यालय, चाकोपर
14. मंडल कार्यालय-3, बम्बई
15. अध्यक्ष शाखा कार्यालय-14, बम्बई
16. मंडल कार्यालय-8, बम्बई

III. कंपनी का नाम : युनाइटेड इंडिया इन्शोरेंस कंपनी लिमिटेड :

1. क्षेत्रीय कार्यालय, भापाल
2. मंडल कार्यालय, भागलपुर
3. शाखा कार्यालय, जमशेदपुर
4. शाखा कार्यालय, पटना मिटी
5. शाखा कार्यालय, मुजफ्फरपुर
6. शाखा कार्यालय, रामगढ़
7. शाखा कार्यालय, कहलगांव
8. शाखा कार्यालय-1, बेगुसराय
9. शाखा कार्यालय-2, बेगुसराय
10. शाखा कार्यालय, कटीहार
11. शाखा कार्यालय, देवघर
12. शाखा कार्यालय, बेनिया
13. क्षेत्रीय कार्यालय, लुधियाना
14. मंडल कार्यालय-1, लुधियाना
15. मंडल कार्यालय-2, लुधियाना
16. मंडल कार्यालय-3, लुधियाना
17. मंडल कार्यालय-4, लुधियाना
18. मंडल कार्यालय-5, लुधियाना
19. मंडल कार्यालय, अंबोहर
20. मंडल कार्यालय, सोना (पंजाब)
21. शाखा कार्यालय, सोना (पंजाब)
22. शाखा कार्यालय, बाधा पुराना
23. शाखा कार्यालय, जीरा
24. शाखा कार्यालय, कोटकपूरा
25. शाखा कार्यालय, जगराओ
26. मंडल कार्यालय, जालंधर शहर
27. मंडल कार्यालय-2, जालंधर
28. मंडल कार्यालय-1, अमृतसर
29. मंडल कार्यालय-2, अमृतसर
30. मंडल कार्यालय, खन्ना
31. मंडल कार्यालय, भटिंडा
32. शाखा कार्यालय, वास्को-डि-गामा
33. मंडल कार्यालय, पणजी
34. शहर शाखा कार्यालय, पणजी
35. शाखा कार्यालय, महात्मा
36. मंडल कार्यालय, मडगांव

- शाखा कार्यालय, मडगाँव
38. शाखा कार्यालय, मावई
 39. शाखा कार्यालय, पोडा
 40. शाखा कार्यालय, त्रिचोर्लिस
 41. मंडल कार्यालय, भरुच
 42. मंडल कार्यालय-2, वडोदरा
 43. मंडल कार्यालय, याणद
 44. मंडल कार्यालय, गोधरा
 45. मंडल कार्यालय, धनवाड
 46. मंडल कार्यालय, रांची
 47. शाखा कार्यालय, रांची
 48. शाखा कार्यालय, जमशेदपुर
 49. शाखा कार्यालय, रामगढ़ कैंट
 50. शाखा कार्यालय, डोरंडा
 1. शाखा कार्यालय, मरादाबाद
 52. शाखा कार्यालय, पट्टा
 53. क्षेत्रीय कार्यालय, लखनऊ
 54. मंडल कार्यालय-3, लखनऊ
 55. शाखा कार्यालय-4, लखनऊ
 56. शाखा कार्यालय-5, लखनऊ
 57. शाखा कार्यालय-6, लखनऊ
 58. शाखा कार्यालय, आगरा
 59. शाखा कार्यालय, धामपुर
 60. शाखा कार्यालय, आजमगढ़
 61. शाखा कार्यालय, जौनपुर
 62. शाखा कार्यालय, गाजीपुर
 63. शाखा कार्यालय, बाराबंकी
 64. शाखा कार्यालय, रामपुर
 65. शाखा कार्यालय, मिर्जापुर
 66. शाखा कार्यालय, मोदी नगर
 67. शाखा कार्यालय, मुजफ्फर नगर
 68. मंडल कार्यालय, इलाहाबाद
 69. मंडल कार्यालय-2, बाराणसी
 70. शाखा कार्यालय, नैनीताल
 71. शाखा कार्यालय, गजगढ़
 72. शाखा कार्यालय, बदाय
 73. शाखा कार्यालय-1, नैनी
 74. शाखा कार्यालय-2, नैनी
 75. शाखा कार्यालय, बदाय
 76. शाखा कार्यालय, बस्ती
 77. शाखा कार्यालय, देवरिया
 78. शाखा कार्यालय, समौरी
 79. शाखा कार्यालय, ऋषिकेश
 80. शाखा कार्यालय, ज्वालामपुर (हरिद्वार)
 81. शाखा कार्यालय-2, गोरखपुर
 82. शाखा कार्यालय, बहेगडच
 83. शाखा कार्यालय, त्रिजनौर
 84. शाखा कार्यालय, हल्द्वारी
 85. शाखा कार्यालय, काशीपुर

86. शाखा कार्यालय-2, देहरादून
87. मंडल कार्यालय, बहारनपुर
88. मंडल कार्यालय, आहमदापुर
89. शाखा कार्यालय, जगदीशपुर
90. शाखा कार्यालय, पलिया
91. शाखा कार्यालय-1, इलाहाबाद
92. शाखा कार्यालय-2, इलाहाबाद
93. मंडल कार्यालय-2, अहमदाबाद
94. मंडल कार्यालय-5, अहमदाबाद
95. मंडल कार्यालय, मेहसाणा
96. मंडल कार्यालय-1, राजकोट
97. मंडल कार्यालय-2, राजकोट
98. मंडल कार्यालय, जनागढ़
99. मंडल कार्यालय, भावनगर
100. शाखा कार्यालय-1, अहमदाबाद
101. शाखा कार्यालय-3, अहमदाबाद
102. शाखा कार्यालय-4, अहमदाबाद
103. शाखा कार्यालय, पाटन
104. शाखा कार्यालय, रंडी
105. शाखा कार्यालय, हिममतनगर
106. शाखा कार्यालय, पालनपुर
107. शाखा कार्यालय, जेतपुर
108. शाखा कार्यालय, बेरावल
109. शाखा कार्यालय, उंझा
110. शाखा कार्यालय, अमरेली
111. शाखा कार्यालय, विरमनाम
112. शाखा कार्यालय, गांधीनगर

[स. 11013/9/95-हि. का. क.]

मुन्शीर कुमार वर्मा, अवसर सचिव

New Delhi, the 26th December, 1995

S.O. 78.—In pursuance of sub-rule (4) of rule 10 of the Official Language (use for official purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices of Subsidiary Companies of the General Insurance Corporation of India, under the Administrative control of Ministry of Finance, Department of Economic Affairs, where of more than 80 per cent of staff have acquired working knowledge of Hindi.

I. Name of the Company : New India Assurance Company Ltd. :

1. Regional Office, Ahmedabad
2. Divisional Office, Pant Bhavan, Bombay
3. Divisional Office-111000, Bombay
4. Divisional Office-111400, Bombay
5. Divisional Office-112000, Bombay
6. Divisional Office-112300, Bombay
7. Divisional Office-112500, Bombay
8. Direct Agent Branch Office, Bombay
9. Branch Office, P.M. Road, Bombay

II. Name of the Company : The Oriental Insurance Company Ltd. :

1. City Branch Office-II, Baroda
2. City Branch Office-III, Baroda
3. Branch Office, Borsad

4. Branch Office, Khamblat
5. Nagar Branch Office, Anand
6. Branch Office, Bardoli
7. Branch Office, Sewan
8. Direct Agent Branch, Patna
9. Kalvan Divisional Office, Bombay
10. Bhiwendi Branch Office, Bombay
11. Branch Office-7, Bombay
12. Ullhas Nagar Branch Office, Bombay
13. Divisional Office, Ghatkopar
14. Divisional Office III, Bombay
15. Direct Agent Branch-14, Bombay
16. Divisional Office-VIII, Bombay

[III. Name of the Company : United India Insurance Company Ltd. :

1. Regional Office, Bhopal
2. Divisional Office, Bhagalpur
3. Branch Office, Jamshedpur
4. Branch Office, Patna City
5. Branch Office, Muzaffarpur
6. Branch Office, Ramgarh
7. Branch Office, Kahal Gaon
8. Branch Office-I, Begusarai
9. Branch Office-II, Begusarai
10. Branch Office, Katihar
11. Branch Office, Deoghar
12. Branch Office, Betia
13. Regional Office, Ludhiana
14. Divisional Office-I, Ludhiana
15. Divisional Office-II, Ludhiana
16. Divisional Office-III, Ludhiana
17. Divisional Office-IV, Ludhiana
18. Divisional Office-V, Ludhiana
19. Divisional Office, Abhohar
20. Divisional Office, Moga (Punjab)
21. Branch Office, Moga (Punjab)
22. Branch Office, Budha Purana
23. Branch Office, Zeera
24. Branch Office, Kotakpura
25. Branch Office, Jagrao
26. Divisional Office, Jallundhar City
27. Divisional Office-II, Jallundhar
28. Divisional Office-I, Amritsar
29. Divisional Office-II, Amritsar
30. Divisional Office, Khanna
31. Divisional Office, Bhatinda
32. Branch Office, Vasco de-Gama
33. Divisional Office, Panji
34. City Branch Office, Panji
35. Branch Office, Mahapra
36. Divisional Office, Madgaon
37. Branch Office, Madgaon
38. Branch Office, Savardey
39. Branch Office, Ponda
40. Branch Office, Bicholim
41. Divisional Office, Bharuch
42. Divisional Office-II, Vadodara
43. Divisional Office II, Anand
44. Divisional Office, Godhara
45. Divisional Office, Dhanbad
46. Divisional Office, Ranchi
47. Branch Office, Ranchi
48. Branch Office, Jamshedpur
49. Branch Office, Ramgarh Cantt.
50. Branch Office, Doranda
51. Branch Office, Moradabad
52. Branch Office, Etah

53. Regional Office, Lucknow
54. Divisional Office-III, Lucknow
55. Branch Office-IV, Lucknow
56. Branch Office-V, Lucknow
57. Branch Office-VI, Lucknow
58. Branch Office, Agra
59. Branch Office, Dhampur
60. Branch Office, Azamgarh
61. Branch Office, Johnpur
62. Branch Office, Gazipur
63. Branch Office, Barabanki
64. Branch Office, Rampur
65. Branch Office, Mirzapur
66. Branch Office, Modi Nagar
67. Branch Office, Muzaffar Nagar
68. Divisional Office, Allahabad
69. Divisional Office-II, Varanasi
70. Branch Office, Nainital
71. Branch Office, Gairsaidpur
72. Branch Office, Banda
73. Branch Office-I, Naini
74. Branch Office-II, Naini
75. Branch Office, Badayun
76. Branch Office, Basti
77. Branch Office, Deoria
78. Branch Office, Masooria
79. Branch Office, Resikesh
80. Branch Office, Iwalagar (Haridwar)
81. Branch Office-II, Gorakhpur
82. Branch Office, Beharicich
83. Branch Office, Bijpur
84. Branch Office, Haldwani
85. Branch Office, Kashipur
86. Branch Office-II, Dehradun
87. Divisional Office, Saharanpur
88. Divisional Office, Sahajpur
89. Branch Office, Jaedishpur
90. Branch Office, Paliya
91. Branch Office-I, Allahabad
92. Branch Office-II, Allahabad
93. Divisional Office-II, Ahmedabad
94. Divisional Office-V, Ahmedabad
95. Divisional Office, Mehsana
96. Divisional Office-I, Rajkot
97. Divisional Office-II, Rajkot
98. Divisional Office, Junagarh
99. Divisional Office, Bhavnagar
100. Branch Office-I, Ahmedabad
101. Branch Office-III, Ahmedabad
102. Branch Office IV, Ahmedabad
103. Branch Office, Patan
104. Branch Office, Eadar
105. Branch Office, Himmat Nagar
106. Branch Office, Palanpur
107. Branch Office, Jajpur
108. Branch Office, Verawal
109. Branch Office, Ooniba
110. Branch Office, Anreli
111. Branch Office, Viramgam
112. Branch Office, Gandhi Nagar.

[No. 11013/9/95-III.C.]

S. K. VERMA, Under Secy.

नई दिल्ली

मानव संसाधन विकास मंत्रालय

नई दिल्ली, 3 जनवरी, 1996

(शिक्षा विभाग)

नई दिल्ली, 14 दिसम्बर, 1995

का. आ. 79 .—भारत के राजपत्र, भाग II खंड 3 उपखंड (ii) में दिनांक 29 जुलाई 1995 को पृष्ठ 2862 पर प्रकाशित भारत सरकार की दिनांक 19 जुलाई, 1995 की अधिसूचना संख्या का. आ. 2063 के हिन्दी रूपान्तर में:—

(i) पंक्ति 1 के ऊपर, निम्नलिखित को संनिविष्ट करें
“वित्त मंत्रालय

(आर्थिक कार्य विभाग)”

(ii) पंक्ति 2 में “2” के स्थान पर “20” पढ़ें

(iii) पंक्ति 9 में “माचनीय” के स्थान पर “मोचनीय” पढ़ें

(iv) पंक्ति 12 में “16 दिसम्बर 1995” के स्थान पर “16 दिसम्बर, 1993” पढ़ें।

(v) पंक्ति 15 में “1000.00,000” के स्थान पर “100,00,000” पढ़ें।

[एफ संख्या एम 4(46)/सी. सी. आई./93]

एम. मुखोपाध्याय, अवर सचिव

CORRIGENDUM

New Delhi, the 3rd January, 1996

S.O. 79.—In the notification of Government of India in the Ministry of Finance (Department of Economic Affairs) (Investment Division) number S.O. 685 dated 16th December, 1995 published in the Gazette of India, Part II, section 3, sub-section (ii) dated the 18th March, 1995, at page 910, in line 4, for “the 16th December, 1995” read “the 16th December, 1993”.

[F. No. S. 4(46)/CCI/93]

S. MUKHOPADHYAY, Under Secy.

CORRIGENDUM

New Delhi, the 3rd January, 1996

S.O. 80.—In the notification of Government of India number S.O. 2063 dated 19th July, 1995 published in the Gazette of India, Part II, section 3, sub-section (ii) dated the 29th July, 1995 at page 2863,—

(a) above line 1, insert the following, namely :—
“Ministry of Finance.

(Department of Economic Affairs)”,

(b) in lines 13 and 14 for “16th December, 1995”, read 16th December, 1993”;

(c) in lines 19 and 20 for “substititd” read “substituted”.

[F. No. S. 4(46)/CCI/93]

S. MUKHOPADHYAY, Under Secy.

का. आ. 81 .—ऑरोविल प्रतिष्ठान अधिनियम, 1988 (1988 का 54) के खण्ड 11, उपखण्ड 1(ii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा भारत के राजपत्र, भाग II, खंड 3(ii) में प्रकाशित, भारत सरकार, मानव संसाधन विकास मंत्रालय, शिक्षा विभाग अधिसूचना संख्या एफ.-27-33/88-यू. यू. दिनांक 27 जनवरी 1995 के आंगिक संशोधन में केन्द्रीय सरकार एतद्द्वारा इस अधिसूचना के जारी होने की दिनांक में निम्नलिखित व्यक्तियों को संबंधित क्रम में क्रम संख्या 8 व 9 में ऑरोविल प्रतिष्ठान के शासी बोर्ड के सदस्य के रूप में नामांकित करती है।

8. श्री एम. सत्यामूर्ति, (पदेन)

बिस्तीय महाहकार,

शिक्षा विभाग,

मानव संसाधन विकास मंत्रालय

नई दिल्ली-110 001

9. श्री गीता राम. (पदेन)

उपसचिव (यू.ए.सी.)

शिक्षा विभाग,

मानव संसाधन विकास मंत्रालय,

नई दिल्ली-110 001

[सं. एफ.-27-12/95-यू. यू. (पी. टी.)]

के. एस. शर्मा, अवर सचिव (आई एन सी)

MINISTRY OF HUMAN RESOURCE DEVELOPMENT
(Department of Education)

(UNESCO Unit)

New Delhi, the 14th December, 1995

S.O. 81.—In exercise of the powers conferred by Section 11, Sub-section 1(ii) of the Auroville Foundation Act, 1988 (54 of 1988), and in partial modification of the Government of India, Ministry of Human Resource Development, Department of Education Notification No. F. 27-33/88-UU dated 27th January, 1995 published in the Gazette of India, Part II, Section 3(ii), the Central Government hereby nominates with effect from the date of issue of this Notification, the following persons as members to the Governing Board of the Auroville Foundation against S. No. 8 and 9 thereof in the respective order :—

8. Shri S. Sathya noorthy, [Ex-Officio].
Financial Adviser,
Department of Education,
Ministry of Human Resource Development,
New Delhi-110 001.

9. Shri Geeta Ram, [Ex-Officio].
Deputy Secretary (UNESCO),
Department of Education,
Ministry of Human Resource Development,
New Delhi-110 001

[No. F. 27-12/95-UU(Pt.)]

E. S. SHARMA, Under Secy. (Inc.)

कोयला मंत्रालय

नई दिल्ली, 7 जून, 1995

का.आ. 82.—केन्द्रीय सरकार ने कोयला धारक को क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) के अधीन भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii) तारीख 23 अप्रैल, 1994 में प्रकाशित भारत सरकार के कोयला मंत्रालय (कोयला विभाग) की अधिसूचना सं. का.आ. 953 तारीख 24 मार्च, 1991 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि में जिसका माप 700.00 हेक्टर (लगभग) या 1729.77 एकड़ (लगभग) है, कोयले का पूर्वक्षण करने के अपने आशय की सूचना दी थी;

और केन्द्रीय सरकार का यह समाधान हो गया है कि उक्त भूमि के भाग में कोयला अभिप्राय है।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए उससे संलग्न अनुसूची खंड I और खंड-II में वर्णित 3.22.76 हेक्टर (लगभग) या 797.57 एकड़ (लगभग) माप की उक्त भूमि और ऐसी भूमि में या उन पर के सभी अधिकारों का अर्जन करने के अपने आशय की सूचना देती है।

टिप्पण 1: इस अधिसूचना के अंतर्गत आने वाले क्षेत्र के रेखांक सं. सी-I(ई)/III/जे.जे.आर./547-494, तारीख 5 अप्रैल, 1994 का निरीक्षण कलक्टर, यवतमाल (महाराष्ट्र) के कार्यालय में या कोयला नियंत्रक 1, काउन्सिल हाउस स्ट्रीट, कलकत्ता, पिन-700001 के कार्यालय में या बैस्टर्न कोलफील्ड्स लि., (राजस्व अनुभाग) कोल इस्टेट, सिविल लाइन्स, नागपुर-440001 (महाराष्ट्र) के कार्यालय में किया जा सकता है।

टिप्पण 2 : कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 8 के उपबन्धों की ओर ध्यान आकृष्ट किया जाता है, जिसमें निम्नलिखित उपबन्ध हैं:—

“8 अर्जन की बाबत आपत्तियां :—

- (1) कोई व्यक्ति जो किसी भूमि में जिसकी बाबत धारा 7 के अधीन अधिसूचना निकाली गई है, हितबद्ध है, अधिसूचना के निकाले जाने से तीस दिन के भीतर सम्पूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उस पर के किन्हीं अधिकारों का अर्जन किए जाने के बारे में आपत्ति कर सकेगा।

स्पष्टीकरण—इस धारा के अर्थान्तर्गत यह आपत्ति नहीं मानी जाएगी कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के लिए स्वयं खनन संक्रियाएं करनी चाहता है और ऐसी संक्रियाएं केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करनी चाहिए।

- (2) उपधारा (1) के अधीन प्रत्येक आपत्ति सक्षम प्राधिकारी को लिखित रूप में की जाएगी और सक्षम प्राधिकारी आपत्तिकर्ता को स्वयं सुने जाने का या किसी विधि व्यवसायी द्वारा मुतवाई का अवसर देगा और ऐसी सभी आपत्तियों को सुनने के पश्चात और ऐसी अतिरिक्त जांच, यदि कोई हो, करने के के पश्चात जो वह आवश्यक समझता है वह या तो धारा 7 की उपधारा (1) के अधीन अधिसूचित भूमि के या ऐसी भूमि में या उस पर के अधिकारों के संबंधों में एक रिपोर्ट या ऐसी भूमि के विभिन्न टुकड़ों या ऐसी भूमि में या उस पर के अधिकारों के संबंध में आपत्तियों पर अपनी सिफारिशों और उसके द्वारा की गई कार्रवाई के अभिलेख सहित विभिन्न रिपोर्ट केन्द्रीय सरकार को उसके विनिश्चय के लिए देगा।

- (3) इस धारा के प्रयोजनों के लिए वह व्यक्ति किसी भूमि में हितबद्ध समझा जाएगा जो प्रतिकर में हित का दावा करने का हकदार होता यदि भूमि या ऐसी भूमि में या उस पर के किन्हीं अधिकारों को इस अधिनियम के अधीन अर्जित कर लिया जाता।”

टिप्पण 3 : केन्द्रीय सरकार ने कोयला नियंत्रक, 1 काउन्सिल हाउस स्ट्रीट कलकत्ता को अधिनियम के अधीन सक्षम प्राधिकारी नियुक्त किया है।

ग्रन्थमाला खण्ड I

निरगुडा परियोजना

वणी क्षेत्र

जिला यवतमाल (महाराष्ट्र)

(रेखांक सं. सी-I (ई)/III/जे.जे./आर. 547-494, तारीख 5 अप्रैल, 1994)

क्रम सं.	ग्राम का नाम	पटवारी सफ़िल सं.	तहसील	जिला	हेक्टर में क्षेत्र	टिप्पणियां
1.	मुंगोली	108	वणी	यवतमाल	226.84	भाग
2.	साखरा	108	वणी	यवतमाल	1.63	भाग
कुल क्षेत्र : 228.47 हेक्टर (लगभग)						या
						564.57 एकड़ (लगभग)

ग्राम मुंगोली में अर्जित किए जाने वाले प्लॉट संख्यांक

23, 24/1-24/1क-24/2, 25/1-25/2, 51, 54, 55/1-55/2-55/3, 56/1-56/2, 57 से 59, 60/1-60/2, 64 से 66, 67/1-67/2, 68 से 71, 75 से 85, 86/1-86/2, 87 से 103, 104/1-104/2/105/1-105/1क-1005/2ख-105/1ग-105/2, 105/3, 106 से 108, 109/1-109/2/109/3, 110 से 117, 118/1-118/2, 119 से 121, 122/1-122/2, 123-1/123/2, 124/1-124/2, 125 से 129, 130/1-130/2, 131 से 135, 136/1-136/2-136/3, 137 से 140, 141/1-141/2-142/1-142/2, 143 से 149, 151, 152, सड़क।

ग्राम साखरा में अर्जित किए जाने वाले प्लॉट संख्यांक :-

211, 212

सीमा वर्णन :

क-ख	रेखा बिन्दु 'क' से आरंभ होती है और प्लॉट संख्यांक 142/1-142/2, 143, 189 की बाहरी सीमा के साथ-साथ ग्राम मुंगोली से होकर जाती है तथा बिन्दु 'ख' पर मिलती है।
ख-ग-घ-ङ	रेखा प्लॉट संख्यांक 149, 151, 26, 119, 118/1-2, 24/1, 24/1क-24/2, 23 की बाहरी सीमा के साथ-साथ ग्राम मुंगोली से होकर जाती है और बिन्दु "ङ" पर मिलती है।
ङ-च	रेखा प्लॉट संख्यांक 23, 24/1-24/1क-24/2, 25/1-25/2, 54, 51, 60/1-60/2 की बाहरी सीमा के साथ-साथ ग्राम मुंगोली से होकर जाती है और बिन्दु 'च' पर मिलती है।
च-छ	रेखा प्लॉट संख्यांक 95, 64, 65, 71, 70, 69, 152, 75 की बाहरी सीमा के साथ-साथ ग्राम मुंगोली से होकर जाती है और ग्राम मुंगोली और साखरा की सम्मिलित ग्राम सीमा के साथ-साथ आगे बढ़ती है, फिर प्लॉट संख्यांक 212 की बाहरी सीमा के साथ-साथ ग्राम साखरा से होकर आगे बढ़ती है और बिन्दु 'छ' पर मिलती है।
छ-ज	रेखा प्लॉट संख्यांक 212, 211 की बाहरी सीमा के साथ-साथ ग्राम साखरा से होकर जाती है और बिन्दु 'ज' पर मिलती है।
ज-झ	रेखा ग्राम साखरा और कोलगांव, मुंगोली और कोलगांव की सम्मिलित ग्राम सीमा के साथ-साथ जाती है तथा बिन्दु 'झ' पर मिलती है।
झ-ञ	रेखा ग्राम मुंगोली और सिवानी सम्मिलित ग्राम सीमा के साथ-साथ जाती है तथा बिन्दु 'ञ' पर मिलती है।
ञ-ट-क	रेखा प्लॉट संख्यांक 140, 142/1, 142/2, की बाहरी सीमा के साथ-साथ ग्राम मुंगोली से होकर जाती है और आरंभिक बिन्दु 'क' पर मिलती है।

अनुसूची खंड-II

निरगुडा परियोजना

बणी क्षेत्र

जिला यवतमाल (महाराष्ट्र)

(रेखांक सं. सी-I (ई)/III जे. जे. आर./547-494, तारीख 5 अप्रैल, 1994)

सभी अधिकार

क्रम सं० का नाम	ग्राम	पटवारी सिकिल सं.	तहसील	जिला	हैक्टर में क्षेत्र	टिप्पणियां
1.	मुंगोली	108	बणी	यवतमाल	76.04	भाग
2.	माथोली	108	बणी	यवतमाल	27.25	भाग

कुल क्षेत्र : 94.29 हैक्टर (लगभग)
या

233.00 एकड़ (लगभग)

सभी अधिकार क्षेत्र का योग खंड I - खंड II 228.47 + 94.29 = 322.76 हैक्टर (लगभग) या 797.57 एकड़ (लगभग)

ग्राम मुंगोली में अर्जित किए जाने वाले प्लॉट संख्यांक:

1 से 6, 7/1-7/2, 8/1-8/2, 9 से 11, 12/1-12/1क-12/2-12/3, 13/1-13/2, 14, 15, 16/1-16/2, 17 से 19, 20/1-20/2-20/3-20/4-20/5, 21, 22, 150।

ग्राम माथोली में अर्जित किए जाने वाले प्लॉट संख्यांक:

21/1, 21/2, 22/1 से 24, 25/1/25/2/25/3, 26 से 29, सड़क भाग

सीमा वर्णन :

अ- रेखा बिन्दु "ख" से आरम्भ होती है और वर्धा नदी के दक्षिणी किनारे के साथ साथ ग्राम मुंगोली और माथोली से होकर जाती है तथा बिन्दु "ट" पर मिलती है।

ब- रेखा प्लॉट संख्यांक 29 और 28 की बाहरी सीमा के साथ साथ ग्राम माथोली से होकर जाती है, सड़क का पार करती है और बिन्दु "ठ" पर मिलती है।

क- रेखा सड़क की दक्षिणी सीमा के साथ साथ ग्राम माथोली से होकर जाती है फिर प्लॉट संख्यांक 20/1-20/2-20/3-20/4-20/5, 22 की बाहरी सीमा के साथ साथ ग्राम मुंगोली से होकर आगे बढ़ती है और बिन्दु "ख" पर मिलती है।

ख- रेखा प्लॉट संख्यांक 22, 21, 18, 17, 4, 3, 2, 1, 150 की बाहरी सीमा के साथ-साथ ग्राम मुंगोली से होकर जाती है और आरम्भिक बिन्दु "ख" पर मिलती है।

[फा. सं. 43015-19/93 एल एस डब्ल्यू]

नरेन्द्र भगत, निदेशक

MINISTRY OF COAL

New Delhi, the 7th June, 1995

And whereas the Central Government is satisfied that coal is obtainable in a part of said lands;

Now, therefore, in exercise of the powers conferred, by sub-section (1) of Section 7 of the said Act, the Central Government hereby gives notice of its intention to acquire the lands measuring 322.76 hectares (approximately) or 797.57 acres (approximately) and all rights in or over such lands as described in Schedule Block-I and Block-II appended hereto;

S.O. 82.—Whereas by the notification of the Government of India in the Ministry of Coal No. S.O. 953, dated the 24th March, 1994 published in the Gazette of India, Part-II, Section-3, sub-section (ii) dated 23rd April, 1994 under sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) the Central Government gave notice of its intention to prospect for coal in 700.00 hectares (approximately) or 1729.77 acres (approximately) of the lands in locality specified in the Schedule annexed to that notification;

Note 1.—The plan bearing No. C-1(E) III/JJR/547-494 dated the 5th April, 1994 of the area covered by this notification may be inspected in the Office of

the Collector, Yavatmal (Maharashtra) or in the Office of the Coal Controller, 1, Council House Street, Calcutta (PIN-700 001) or in the Office of the Western Coalfields Limited (Revenue Section), Coal Estate, Civil Lines, Nagpur-440 001 (Maharashtra).

Note 2.—Attention is hereby invited to the provisions of section 8 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) which provides as follows :—

8. Objections to Acquisition :

- (1) Any person interested in any land in respect of which a notification under section 7 has been issued may within thirty days of the issue of the notification, object to the acquisition of the whole or any part of the land or of any rights in or over such land.

Explanation.—It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operations in the land for the production of coal and that such operations should not be undertaken by the Central Government or by any other person.

- (2) Every objection under sub-section (1) shall be made to the competent authority in writing and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further enquiry, if any, as he thinks necessary, either makes a report in respect of the land which has been notified under sub-section (1) of Section 7 or of rights in or over such land, or make different reports in respect of different parcels of such land or of rights in or over such land, to the Central Government, containing his recommendations on the objections, together with the record of the proceedings held by him, for the decision of that Government.

- (3) For the purpose of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act.

Note 3.—The Coal Controller, 1 Council House Street, Calcutta has been appointed by the Central Government as the Competent authority under the Act.

SCHEDULE BLOCK-I

NIRGUDA PROJECT

WANI AREA

DISTRICT YAVATMAL (MAHARASHTRA)

(Plan No. C-1(E)III/JJR/547-494 dated the 5th April, 1994)

All Rights

Sl. No.	Name of village	Patwari circle number	Tahsil	District	Area in hectares	Remarks
1	2	3	4	5	6	7
1.	Mungoli	108	Wani	Yavatmal	226.84	Part
2.	Sakhara	108	Wani	Yavatmal	1.63	Part

Total area : 228.47 hectares
(approximately)
or
554.57 acres
(approximately)

Plot number to be acquired in village Mungoli :

23, 24/1-24/1A-24/2, 25/1-25/2, 51, 54, 55/1-55/2-55/3, 56/1-56/2, 57 to 59, 60/1, 60/2, 64 to 66, 67/1-67/2, 68 to 71, 75 to 85, 86/1-86/2, 87 to 103, 104/1-104/2, 105/1-105/1A-105/1B-150/1C-105/2-105/3, 106 to 108, 109/1-109/2-109/3, 110 to 117, 118/1-118/2, 119 to 121, 122/1-122/2, 123/1-123/2, 124/1-124/2, 125 to 129, 130/1-130/2, 131 to 135, 136/1-136/2-136/3, 137 to 140, 141/1-141/2, 142/1-142/2, 143 to 149, 151, 152, Road,

Plot numbers to be acquired in village Sakhara :

211, 212.

Boundary description :

A—B

Line starts from point 'A' and passes through village Mungoli along the outer boundary of plot numbers 142/1-142/2, 143, 149 and meets at point 'B'.

B—C—D—E

Line passes through village Mungoli along the outer boundary of plot numbers 149, 151, 126, 119, 118/1-2, 24/1-24/1A-24/2, 23 and meets at point 'E'.

E—F	Line passes through village Mungoli along the outer boundary of plot numbers 23, 24/1-24/1A-24/2, 25/1-25/2, 54, 51, 60/1-60/2 and meets at point 'F'.
F—G	Line passes through village Mungoli along the outer boundary of plot numbers 95, 64, 65, 71, 70, 69, 152, 75 and proceeds along the common village boundary of villages Mungoli and Sakhara, then proceeds through village Sakhara along the outer boundary of plot number 212 and meets at point 'G'.
G—H	Line passes through village Sakhara along the outer boundary of plot numbers 212, 211 and meets at point 'H'.
H—I	Line passes along the common village boundary of villages Sakhara and Kolgaon, Mungoli and Kolgaon and meets at point 'I'.
I—J	Line passes along the common village boundary of villages Mungoli and Shioni and meets at point 'J'.
J—A	Line passes through village Mungoli along the outer boundary of plot numbers, 140, 142/1-142/2 and meets at starting point 'A'.

SCHEDULE BLOCK-II

NIRGUDA PROJECT

WANI AREA

DISTRICT YAVATMAL (MAHARASHTRA)

(Plan No. C-1(E)III/JJR/547-494 dated the 5th April, 1994)

All Rights

Sl. No.	Name of village	Patwari circle number	Tahsil	District	Area in hectares	Remarks
1	2	3	4	5	6	7
1.	Mungoli	108	Wani	Yavatmal	67.04	Part
2.	Matholi	108	Wani	Yavatmal	27.25	Part
Total area :					94.29 hectares (approximately)	
					or	
					233.00 acres (approximately)	

Total of All Rights area—Block I + Block-II =
228.47 + 94.29 + 322.76 hectares (approximately) or
797.57 acres (approximately)

Plot numbers to be acquired in village Mungoli :

1 to 6, 7/1-7/2, 8/1-8/2, 9 to 11, 12/1-12/1A-12/2-12/3, 13/1-13/2, 14, 15, 16/1-16/2, 17 to 19, 20/1-20/2-20/3-20/4-20/5, 21, 22, 150.

Plot numbers to be acquired in village Matholi :

21/1-21/2, 22 to 24, 25/1-25/2-25/3, 26 to 29, Road. Part.

Boundary description :

B—K	Line starts from point 'B' and passes through villages Mungoli and Matholi along the southern bank of Wardha River and meets at point 'K'.
K—L	Line passes through village Matholi along the outer boundary of plot numbers 29 and 28, crosses road and meets at point 'L'.
L—E	Line passes through village Matholi along the southern boundary of road, then proceeds through village Mungoli along the outer boundary of plot numbers 20/1-20/2-20/3-20/4-20/5, 22 and meets at point 'E'.
E—D—C—B	Line passes through village Mungoli along the outer boundary of plot numbers 22, 21, 18, 17, 4, 3, 2, 1, 150 and meets at starting point 'B'.

[No. F43015/19/93-LSW]
N. BHAGAT, Director

नई दिल्ली, 26 जून, 1995

का.आ. 83.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाबद्ध अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किये जाने की संभावना है,

अतः अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस क्षेत्र में कोयले का पूर्वोक्षण करने के अपने आशय की सूचना देती है,

इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र के रेखांक सं. एस ई सी एल/की एस पी/जी एम (पी एल जी) लैंड/145, तारीख 23 फरवरी, 1995 का निरीक्षण कलक्टर सरगुजा (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता-700001 के कार्यालय में या साउथ ईस्टर्न कोलफील्ड्स लिमिटेड (राजस्व अनुभाग), सीपत रोड, बिलासपुर-495001 (मध्य प्रदेश) के कार्यालय में किया जा सकता है।

इस अधिसूचना के अन्तर्गत आने वाली भूमि में हितवद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चाटों और अन्य दस्तावेजों को, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर, भारसाधक अधिकारी/विभागाध्यक्ष (राजस्व), साउथ ईस्टर्न कोलफील्ड्स लिमिटेड, सीपत रोड, बिलासपुर-495001 (मध्य प्रदेश) को भेजेंगे।

अनुसूची

बलरामपुर और कुम्दा नई परियोजना

विश्रामपुर क्षेत्र

जिला सरगुजा (मध्य प्रदेश)

(रेखांक सं. एस ई सी एल/बी एस पी/ जी.एम (पी एल जी)/लैंड/145

तारीख 23 फरवरी, 1995

(पूर्वोक्षण के लिये अधिसूचित भूमि दर्शाते हुए)

क्रम सं.	ग्राम का नाम	ग्राम सं.	तहसील	जिला	क्षेत्र हैक्टेयर में	टिप्पणियाँ
1.	दतिया	14	सूरजपुर	सरगुजा	44.740	भाग
2.	लक्ष्मणपुर	23	सूरजपुर	सरगुजा	30.574	भाग
3.	कुम्दा	22	सूरजपुर	सरगुजा	29.392	भाग
4.	कमलापुर	32	सूरजपुर	सरगुजा	218.424	भाग
5.	कसकेला	33	सूरजपुर	सरगुजा	140.590	भाग
6.	आरक्षित वन	—	—	—	127.297	भाग
कुल					561.025 हैक्टेयर (लगभग)	
					या	
					1386.29 एकड़ (लगभग)	

सीमा वर्णन :

- क—ख रेखा बिन्दु (क) से आरंभ होती है और ग्राम कुम्दा, लक्ष्मणपुर, दतिया से होकर जाती है तथा बिन्दु “ख” पर मिलती है।
- ख—ग रेखा आरक्षित वन और ग्राम कसकेला से होकर जाती है तथा बिन्दु “ग” पर मिलती है।
- ग—घ रेखा ग्राम कसकेला, आरक्षित वन से होकर जाती है और बिन्दु “घ” पर मिलती है।
- घ—ङ—च रेखा भागतः आरक्षित वन की दक्षिणी सीमा के साथ-साथ जाती है और आरक्षित वन से होकर जाती है फिर ग्राम कसकेला से होकर जाती है तथा बिन्दु “च” पर मिलती है।
- च—क रेखा ग्राम कसकेला, कमलापुर, कुम्दा से होकर जाती है और आरंभिक बिन्दु “क” पर मिलती है।

[फा. सं. 43015/7/95—एल एस डब्ल्यू]

एन. भगत, निदेशक

New Delhi, the 26th June, 1995

S.O. 83.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Scheduled hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan bearing No. SECL/BSP/GM(PLG)/Land/145 dated the 23rd February, 1995, of the area covered by this notification can be inspected in the Office of the Collector, Surguja (Madhya Pradesh) or in the Office of the Coal Controller, 1 Council House Street, Calcutta-70000 or in the office of the South Eastern Coalfields Limited (Revenue Section), Seepat Road, Bilaspur-495001 (Madhya Pradesh).

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Officer-in-Charge/Head of the Department (Revenue), South Eastern Coalfields Limited, Seepat Road, Bilaspur-495001 (Madhya Pradesh) within ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULE

**BALRAMPUR AND KUMDA NEW PROJECT
BISRAMPUR AREA
DISTRICT-SURGUJA (MADHYA PRADESH)
(Plan No. SECL/BSP/GM(PLG)/LAND/145
dated 23rd February, 1995)
(Showing land notified for prospecting)**

Sl. No.	Name of Village	Village number	Tehsil	District	Area in hectares	Remarks
1	2	3	4	5	6	7
1.	Datime	14	Surajpur	Surguja	14.740	Part
2.	Laxmanpur	23	Surajpur	Surguja	30.574	Part
3.	Kumda	22	Surajpur	Surguja	29.392	Part
4.	Kamlapur	32	Surajpur	Surguja	218.424	Part
5.	Kaskela	33	Surajpur	Surguja	140.598	Part
6.	Reserved Forest	—	—	—	127.297	Part

Total :—

561.025 hectares
(approximately)

or

1386.29 acres
(approximately)

Boundary description :

- A—B Line starts from point 'A' in village Kumda and passes through villages Kumda, Laxmanpur, Datima and meets at point 'B'.
- B—C Line passes through Reserved Forest and village Kaskela and meets at point 'C'.
- C—D Line passes through village Kaskela, Reserved Forest and meets at point 'D'.
- D—E—F Line passes partly along the southern boundary of Reserved Forest and through Reserved Forest then through village Kaskela and meets at point 'F'.
- F—A Line passes through villages Kaskela, Kamlapur, Kumda and meets at the starting point 'A'.

[No. F. 43015/7/95-LSW]

N. BHAGAT, Director

नई दिल्ली, 26 जून, 1995

का.आ. 84.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाबद्ध अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किये जाने की संभावना है;

अतः, अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पूर्वोक्षण करने के अपने आशय की सूचना देती है;

इस अधिसूचना के अन्तर्गत आने वाले रेखांक सं. बी.सी.एल.ई.डी./1-95, तारीख 17-1-1995 का निरीक्षण उपायुक्त, बोकारो (बिहार) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में या निदेशक (तकनीकी), भारत कोकिंग कोल लि., कोयला भवन, कोयला नगर, धनबाद (बिहार) के कार्यालय में किया जा सकता है।

इस अधिसूचना के अन्तर्गत आने वाली भूमि में हितवस्तु सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों को, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर भारतसाधक अधिकारी/विभागाध्यक्ष (सम्पदा) भारत कोकिंग कोल लि., कोयला भवन, कोयला नगर, धनबाद (बिहार) को भेजेंगे।

अनुसूची
पर्वतपुर खंड (विस्तार)
(सरिया कोयला क्षेत्र)

रेखांक सं. बी.सी.एल.ई.डी.-1-95, तारीख 17 जनवरी, 1995

क्रम सं.	ग्राम	थाना सं.	थाना	जिला	क्षेत्र हैक्टरों में	टिप्पणियां
1. कुमरी		69	चास	बोकारो	692.21	संपूर्ण
2. डूमरडा		70	चास	बोकारो	340.87	संपूर्ण
3. बेलंजा		71	चास	बोकारो	324.87	संपूर्ण
4. डबका		72	चास	बोकारो	27.38	संपूर्ण
5. संतोलीडीह/ चक मोहनपुर		73	चास	बोकारो	33.74	संपूर्ण
6. बिजुलिया		74	चास	बोकारो	513.83	संपूर्ण
7. टुघरी		76	चास	बोकारो	354.55	भाग
8. अलुआरा		206	चास	बोकारो	291.50	संपूर्ण
9. मचतनगर		207	चास	बोकारो	85.05	भाग
कुल क्षेत्र :					2663.76 हैक्टर (लगभग)	

सीमा वर्णन :

क—ख	रेखा "क" बिन्दु से आरंभ होती है और ग्राम पुपुंकी घटबेर के साथ ग्राम कुमरी की सम्मिलित सीमा से होकर जाती है और "ख" बिन्दु पर मिलती है।
ख—ग	रेखा "ख" बिन्दु से आरंभ होती है और ग्राम सियालगाता, बभनदरिका तथा गोपालपुर के साथ ग्राम कुमरी की सम्मिलित सीमा से होकर जाती है और "ग" बिन्दु पर मिलती है।
ग—घ	रेखा "ग" बिन्दु से आरंभ होती है और ग्राम बेलपुर ग्राम कुमरी के साथ की सम्मिलित सीमा से होकर जाती है और "घ" बिन्दु पर मिलती है।
घ—ङ	रेखा "घ" बिन्दु से आरंभ होती है और ग्राम बेलपुर के साथ ग्राम बेलंजा की सम्मिलित सीमा से होकर जाती है और "ङ" बिन्दु पर मिलती है।
ङ—च	रेखा "ङ" बिन्दु से आरंभ होती है और ग्राम पजाडी तक उमराडी के साथ ग्राम बेलंजा की सम्मिलित सीमा से होकर जाती है और "च" बिन्दु पर मिलती है।
च—छ	रेखा "च" बिन्दु से आरंभ होती है और ग्राम सिद्धरपेटी तथा बूरि बिहार के साथ ग्राम बेलंजा डबका और टुघरी की सम्मिलित सीमा से होकर जाती है और "छ" बिन्दु पर मिलती है।
छ—ज	रेखा "छ" से आरंभ होती है और ग्राम बटबिनोर तथा गोपीडीह के तिराहे बिन्दु के साथ ग्राम टुघरी की सम्मिलित सीमा से होकर जाती है और "ज" बिन्दु पर मिलती है।
ज—झ	रेखा "ज" बिन्दु से आरंभ होती है और ग्राम गोपीडीह दिहरी के तिराहे बिन्दु और बटबिनोर से होकर जाती है और बिन्दु "झ" पर मिलती है।
झ—ञ	रेखा "झ" बिन्दु से आरंभ होती है और ग्राम टुघरी से होकर तथा ग्राम गोपीडीह और टुघरी की सम्मिलित सीमा के साथ-साथ जाती है और "ञ" बिन्दु पर मिलती है।
ञ—ट	रेखा "ञ" बिन्दु से आरंभ होती है और ग्राम गोपीडीह तथा बटबिनोर के साथ ग्राम अलुआरा की सम्मिलित सीमा से होकर जाती है और "ट" बिन्दु पर मिलती है।

- द-—द रेखा "ट" बिन्दु से आरंभ होती है और ग्राम डिवरडा के साथ ग्राम अलुआरा की सम्मिलित सीमा से होकर जाती है और "ठ" बिन्दु पर मिलती है।
- क-—क रेखा "र" बिन्दु से आरंभ होती है और मचनर ग्राम के साथ ग्राम अलुआरा की सम्मिलित सीमा से होकर जाती है और "ड" बिन्दु पर मिलती है।
- ड-—ड रेखा "ड" बिन्दु से आरंभ होती है और ग्राम मचनर के साथ भवरडाहा की सम्मिलित सीमा के ग्राम मचनर से होकर जाती है और "ड" बिन्दु पर मिलती है।
- र-—क रेखा "ड" बिन्दु से आरंभ होती है और बामांदर नदी के साथ-साथ ग्राम भवरडाहा, बाधरा, वरकी, सिगरा, मोड़वा, टेंदुनिया भट्टीह, बाताखंडा नागडा, परगुनिया, नाटरडीह और कुंजी के साथ ग्राम मचनर, अलुआरा, डवरी, बिजलिया, डुमराडा और कुमरी की सम्मिलित सीमा से होकर जाती है और "क" बिन्दु पर मिलती है।

[पा सं 43015/3/95—एल.एल. डब्ल्यू.]

नरेन्द्र भगत, निदेशक

New Delhi, the 26th June, 1995

S.O. 84.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Scheduled hereto annexed :

Now, therefore, in exercise of the powers conferred by Sub-Section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal therein :

The Plan bearing No. BCCL/ED/1-95 dated 17-1-95 of the area covered by this notification can be inspected in the office of the Deputy Commissioner, Bokaro (Bihar) or in the office of the Coal Controller, 1, Council House Street, Calcutta or in the office of the Director (Technical), Bharat Coking Coal Limited, Koyla Bhawan Koyla Nagar, Dhanbad (Bihar).

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in Sub-Section (7) of Section 13 of the said Act to the Officer-in-Charge/Head of the Department (Estate) Bharat Coking Coal Limited, Koyla Bhawan, Koyla Nagar, Dhanbad (Bihar) within ninety days from the date of the publication of this notification in the official Gazette.

SCHEDULE

Parbatpur Block (Extension)
Jharia Coalfield

(Plan number BCCL : ED : 1-95, dated the 17th January, 1995)

Sl. No.	Village	Thana No.	Thana	District	Area in Hectares	Remarks
1	2	3	4	5	6	7
1.	Kumari	69	Chas	Bokaro	692.21	Full
2.	Dumarda	70	Chas	Bokaro	340.63	Full
3.	Belanja	71	Chas	Bokaro	324.87	Full
4.	Dabka	72	Chas	Bokaro	27.38	Full
5.	Santaldih/Chak Mohanpur	73	Chas	Bokaro	33.74	Full
6.	Bijulia	74	Chas	Bokaro	513.83	Full
7.	Tughari	76	Chas	Bokaro	354.55	Part
8.	Aluara	206	Chas	Bokaro	291.50	Full
9.	Machatanr	207	Chas	Bokaro	85.05	Part
Total Area :					2663.76 hectares (approximately)	

Boundary description :

- A - B : Line starts from point 'A' and passes through the common boundary of village Kumari with village Pupunki ghatbera and meets at point 'B'.
- B - C : Line starts from point 'B' and passes through the common boundary of the village Kumari with the village Sialgajra, Bamundarika and Gopalpur and meets at point 'C'.
- C—D : Line starts from point 'C' and passes through the common boundary of village Kumari with village Belpur and meets at point 'D'.
- D - E : Line starts from point 'D' and passes through the common boundary of the village Belanja with the village Belpur and meets at point 'E'.
- E - F : Line starts from point 'E' and passes through the common boundary of the village Belanja with the villages Pajadi and Usardi and meets at point 'F'.
- F—G : Line starts from point 'F' and passes through the common boundary of the villages Belanga and Dabka and Tughari with the village Sindurpeti and Buribihar and meets at Point 'G'.
- G—H : Line starts from point 'G' and passes through the common boundary of the village Tughari with the villages Batbinor and Trijunction point of Gopidih and meets at point 'H'.
- H—I : Line starts from point 'H' and passes through the Trijunction point of the village Gopidih Tughari and Batbinor and meets at point 'I'.
- I—J : Line starts from point 'I' and passes through the village Tughari and along the common boundary of the village Gopidih and Tughari and meets at point 'J'.
- J—K : Line starts from point 'J' and passes through the common boundary of the village Aluar with the villages Gopidih and Batbinor and meets at point 'K'.
- K—L : Line starts from point 'K' and passes through the common boundary of the village Aluara with the village Dibarda and meets at point 'L'.
- L—M : Line starts from the point 'L' and passes through the common boundary of the village Aluara with the village Machatanr and meets at point 'M'.
- M—N : Line starts from point 'M' and passes through the village Machatanr to the common boundary of Bhawardaha with Machatanr and meets at point 'N'.
- N—A : Line starts from point 'N' and passes through the common boundary of the villages Machatanr, Alara, Tughari, Bijulia Dumarda and Kumri with the villages Bhawardaha, Bagra, Barki, Singra, Mohuda, Tentulia, Bhatdih, Balakhanda, Nagda, Parjuria, Natardih and Kunji along Damodar River and meets at point 'A'.

[F. No. 43015/3/95-LSW]

N. BHAGAT, Director

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 2 जनवरी, 1996

का. आ. 85.—यतः पेट्रोलियम और खनिज पाटप लाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (i) के अर्जित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस अधिसूचना का. आ. सं. 23(ई) तारीख 10-1-95 द्वारा केन्द्रीय सरकार ने इस अधिसूचना में संलग्न अनुसूची में निर्दिष्ट भूमियों के उपयोग के अधिकार को पाटप लाइन खिड़ाने के लिए अर्जित करने का अपना आणव्य कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (i) के अर्जित सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में निर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय लिया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में निर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाटप लाइन खिड़ाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय गैस अक्विटी आफ इंडिया लिमिटेड में सभी प्राप्तिओं ने एतत् रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

परिच्छेद 6 (1) विज्ञापित -

मानडापेटा जी. सी. एस. मे जेरोम्पेट वि. वि. के एन्डोर्समेंट गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	ग्राम	सर्वे नं.	क्षेत्रफल (हेक्टे/एकड़ में)	विवरण	
पूरुब गोदावरी	ग्रालमुरु	पेदपल्ल	7-4	साग	0-02-00	ज्यादा या कमी
			8-	"	0-29-00	
			9-5ए	"	0-11-50	
			10-3ए	"	0-03-00	
			3बी	"	0-05-00	
			4	"	0-09-00	
			1	"	0-05-00	
			11-2	"	0-11-00	
			3	"	0-05-50	
			12-1	"	0-00-50	
			2	"	0-03-50	
			3	"	0-04-00	
			13-	"	0-03-00	
कुल हेक्टे.				0-90-00	या एसी 2.22 सेंट्स	

[सं. एल - 14016/16/94 - जी०पी०]

अर्थसु. सेन, निदेशक

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 2nd January, 1996

S.O No. 85.—Where as by Notification of the Government of India in the Ministry of Petroleum & NG S.O. 23(E) dated 10-1-95 under sub-section (1) of section 3 of the Petroleum and Minerals pipe lines (Acquisition of right of user in land) act 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipe line.

And whereas the competent Authority has under sub-section (1) of section 6 of the said act submitted report to the Government.

And further whereas the Central Government has after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, therefore, in exercise of the power conferred by sub-section (1) of the section 6 of the said act the Central Government hereby declares that the right of user in the said lands specified in the schedules appended to this notification hereby acquired for laying the pipe line.

And further in exercise of power conferred by sub-section (4) of the section the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vest on this date of the publication of this declaration in the Gas Authority of India Limited free from all encumbrances.

SCHEDULE

FOR SECTION 6(1) NOTIFICATION

MANDA PETA G.C.S. TO JEGURUPADU G.V.K. INDUSTRIES

GAS PIPE LINE PROJECT

District	Mandal	Village	Survey Nos.	Area (in Hect/Acres)	Remarks
(1)	(2)	(3)	(4)	(5)	(6)
East Godavari (A.P.)	Alamurli	Pedapalla	7- 4 Part	0 02.00	More or less
			8- ..	0.29.00	
			9-5A ..	0.11.50	
			10-3A ..	0.01.00	
			10-3B ..	0.05.00	
			10 4 ..	0.09.00	
			10-1 ..	0.05 00	
			11-2 ..	0.11.00	
			3 ..	0.05.50	
			12 1 ..	0.00.50	
			2 ..	0.03.50	
			3 ..	0.04.00	
			13- ..	0.03.00	
			Total—	0.90.00	or AC 2.22 cents

[No. L-14016/16/94-G.P.]

ARDHENDU SEN, Director

नई दिल्ली, 2 जनवरी, 1996

का. आ. 86.—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (i) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस अधिसूचना का. आ. सं. 24(ई) तारीख 10-1-95 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइन बिछाने के लिए अर्जित करने का अपना आशय कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने वाली बजाज गैस अथॉरिटी आफ इंडिया लिमिटेड में सभी वाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

परिच्छेद 6(1) विज्ञप्ति

माष्टपट जी. सी. एम. से जेनेरुपाडु गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	ग्राम	सर्वे नं.	क्षेत्रफल हेक्टे/एकड़ में)	विवरण
पूर्वी गोदावरी	आलमूरु	आलमूरु	5-1बी (जीपी)	भाग 0-02-00	ज्यादा या कमी ली. पी०
			5-2	" 0-05-50	"
			8-2	" 0-13-00	"
			9-2	" 0-07-00	"
			10-1	" 0-11-00	"
			12-2	" 0-03-50	"
			(जीपी)	"	"
			20-1	" 0-05-50	"
			20-3	" 0-02-00	"
			20-4	" 0-12-50	"
			20-5	" 0-09-50	"
			22-1	" 0-14-00	"
			22-2	" 0-06-00	"
			22-3	" 0-03-00	"
			22-4	" 0-03-50	"
			23-2	" 0-00-50	"
			29-1	" 0-12-50	"
			29-2	" 0-05-50	"
			29-3	" 0-05-50	"
			29-4	" 0-03-50	"
			29-5	" 0-03-00	"
			(जीपी)	"	"
			30-2	" 0-00-50	"
कुल हेक्टे				1-29-00	या एसी 3.19 सेंट्स

[मं. एल - 14016/16/94 - जी पी]

अध्वरेणु सेन, निदेशक

New Delhi, the 2nd January, 1996

S.O. 86.—Whereas as by Notification of the Government of India in the Ministry of Petroleum & N.G. S.O. 24(E) dated 10-1-95 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in land) Act 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline.

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has, after considering the said report, decided to acquire the right of

user in the lands specified in the schedule appended to this notification.

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub-section (4) of the Section the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vest, on this date of the publication of this declaration, in the Gas Authority of India Limited free from all encumbrances.

SCHEDULE
FOR SECTION 6(1) NOTIFICATION
MANDAPETA G.C.S. TO JEGURAPADU G.V.K. INDUSTRIES
GAS PIPE LINE PROJECT

District	Mandal	Village	Survey Nos.	Area (in Hect/ Acres)	Remarks
(1)	(2)	(3)	(4)	(5)	(6)
East Godavari	Alamuru	Alamuru	5—1B Part (GP)	0 02.00	More or less
			5—2B Part	0 05 50	
			8-2 Part	0.13 00	
			9-2 Part	0 07 00	
			10-1 Part	0 11.00	
			12 -Part (GP)	0 03 50	
			20-1 Part	0.05.50	
			„ 3 „	0.02.00	
			„ 4 „	0.12.50	
			„ 5 „	0.09.50	
			22-1 Part	0.14.00	
			„ 2 „	0.06.00	
			„ 3 „	0.03.00	
			„ 4 „	0.03.50	
			23-2 Part	0.00.50	
			29-1 Part	0.12.50	
			„ 2 „	0 05.50	
			„ 3 „	0.05.50	
			„ 4 „	0.03.50	
			„ 5 „	0 03.00	
			(GP)		
			30—Part	0.00 50	
			Total	1.29.00	
				OR	
			AC	3.19 cents	

[No. L-14016/16/94-G P.]
ARDHENDU SEN, Director

नई दिल्ली, 2 जनवरी, 1996

का. आ. 87.—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस अधिसूचना का. आ. सं. 25(ई) तारीख 10-1-95 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइन बिछाने के लिए अर्जित करने का अपना आशय कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय गैस अथॉरिटी आफ इंडिया लिमिटेड में सभी बंधनों से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

गनुसूची

(परिच्छेद 6(1) बलानि)

मंडल जी भी. एम. मे गेमुनाकु जे. वी. के डडुडीन गैमनाडन बाडन प्रोवेनर

नगपद	नहमीन	ग्राम	मर्थे नं.	क्षेत्रफल (हेक्टे/एकड़ में)	विवरण
1	2	3	4	5	6
पूरब गोदावरी	ग्रालमूरु	मोडुक्कूरु	127-1 भाग	0-25-00	ज्यादा या कमी
			2 "	0-16-50	
			126-2 "	0-14-00	
			125-1 "	0-01-00	
			2वीं "	0-05-58	
			4 "	0-15-00	
			5 "	0-10-50	
			1वीं "	0-02-00	
			114-2 "	0-09-50	
			40 "	0-08-00	
			1वीं "	0-01-50	जी. पी.
			113-2 "	0-13-50	
			4 "	0-13-00	
			89-6 "	0-14-00	
			2 "	0-05-50	
			3 "	0-16-00	
			35-2 "	0-00-50	
			3 "	0-18-00	
			4 "	0-01-50	
			40- "	0-03-00	जी. पी.
			41- "	0-11-50	
			42- "	0-30-00	

1	2	3	4	5	6
पुर्व गोदावरी	ग्रामरू	मोक्षरू	43-1 भाग	0-07-00	ज्यादा या कमी
			2 "	0-11-50	
			3 "	0-08-50	
			6 "	0-11-50	
			5 "	0-04-50	
			44- "	0-03-50	जी. पी.
			45-1 "	0-03-00	जी. पी.
			2 "	0-01-50	
			3 "	0-05-50	
			4 "	0-06-00	
			5 "	0-17-00	
			6 "	0-03-00	
			कुल हेक्टे.	3-17-50 या ए.सी. 7.83 मेट्स	

[मं. एल-14016/16/94 - जी. पी.]

अर्धेन्दु सेन, निदेशक

New Delhi, the 2nd January, 1996

S.O. 87:—Whereas by Notification of the Government of India in the Ministry of Petroleum and NG S.O. 25(E) dated 10-1-95 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline.

And whereas the Competent Authority has under sub-Section (1) of Section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, therefore, in exercise of the power conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipe line.

And further in exercise of power conferred by sub-section (4) of the Section the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vest, on this date of the publication of this declaration, in the Gas Authority of India Limited free from all encumbrances.

SCHEDULE FOR SECTION 6 (I) NOTIFICATION
MANDAPETA G.C.S TO JEGURUPADU G.V.K. INDUSTRIES
GAS PIPE LINE PROJECT

District	Mandal	Village	Survey Nos.	Area (In Hect/ Acres)	Remarks
East Godavari (A.P.)	Alamuru	Modukuru	127-1 Part	0.25.00	Mor or Less
			2 "	0.16.50	
			126-2 "	0.14.00	
			125-1A "	0.01.00	
			2B "	0.05.50	
			4 "	0.15.00	
			5 "	0.10.50	
			1B "	0.02.00	
			114-2 "	0.09.50	
			4A "	0.08.00	
			1B "	0.10.50	G.P.
			113-2 "	0.13.50	
			4 "	0.13.00	
			89-6 "	0.14.00	
			2 "	0.05.50	
			3 "	0.16.00	
			35-2 "	0.00.50	
			3 "	0.18.00	
			4 "	0.01.50	
			40- "	0.03.00	G.P.
			41- "	0.11.50	
			42- "	0.30.00	
			43-1 Part	0.07.00	More or less
			2 "	0.11.50	
			3 "	0.08.50	
			6 "	0.11.50	
			5 "	0.04.50	
			44- "	0.03.50	G.P.
			45-1 "	0.03.00	G.P.
			2 "	0.01.50	
			3 "	0.05.50	
			4 "	0.06.00	
			5 "	0.17.00	
			6 "	0.03.00	
Grand Total				3.17.50	or AC 7.83 Cents

[No. L-14016/16/94-G.P.]
ARDHENDU SEN, Director

शुद्धि-पत्र

नई दिल्ली, 2 जनवरी, 1996

का.आ. 88 :- निम्नलिखित अनुसूची में खाना 1 से 6 में लिखे हुए शब्दों और संख्या भारत सरकार की अधिसूचना नं. का.आ. 25 (अ) तारीख 10-1-95 भारत का राजपत्र नं० 22 भाग-II खंड 3 उपखण्ड (ii) तारीख 11-1-95 पृष्ठ 28 में 44 जारी हुए अधिसूचना की अनुसूची में हुई है। इसमें वजह निम्नलिखित अनुसूची खाना 7 में 12 में लिखे हुए शब्दों और संख्या पढ़ना।
मंडपेट जि.मि. एम. के बंसुरपाट्टु जि.वि० इन्दूरम तक गैस पाइप लाइन

प्रसारित किया गया वर्णन

अ. न.	गांव का नाम	गांव मंडल	जिला	स.नं.	क्षेत्र	अ. न.	गांव का नाम	मंडल	जिला	स.नं.	क्षेत्र
					हे. आर.						हे. आर.
1	2	3	4	5	6	7	8	9	10	11	12
1	मोदुकुरु	आलमूरु	पूरुब गोदावरी	89/4 भाग	0.14.00	1	मोदुकुरु	आलमूरु	पूरुब गोदावरी	89/6 भाग	0.14.00

[संख्या एल-14016/16/94-जी.पी.]
अर्धेन्दु सेन, निदेशक

CORRIGENDUM

New Delhi, the 2nd January, 1996

S.O. 88.—Read words and figures shown in columns 1 to 6 to the schedule given below appearing in the schedule annexed to the Government of India Notification No. S.O.25(E) Dated 10-1-95 published in the Gazette No. 22 of the India Part II Section 3 Sub-section (ii) dated 11-1-95 on page 7, 8 as "words & figures" shown in column 7 to 12 to the schedule given below :

Gas Pipe Line from Mandapeta G.C.S. to Jegurupadu, G.V.K. Industries

SCHEDULE

Sr. No.	Name of the village	Mandal	District	Survey No.	Area Hec. Ars.	Sr. No.	Name of the Village	Mandal	District	Survey No.	Area Hec. Ars.
1	2	3	4	5	6	7	8	9	10	11	12
1	Modukuru	Alamuru	East-Godavari	89/4 Part	0.14—0	1	Modukuru	Alamuru	East-Godavari	89/6 Part	0.14.00

[No. L-14016/16/94 G.P.]
ARDHENDU SEN, Director

नई दिल्ली, 2 जनवरी, 1996

का. आ. 89.—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 के उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस अधिसूचना का. आ. सं. 26(ई) तारीख 10-1-95 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइन बिछाने के लिए अर्जित करने का अपना आशय कर दिया था।

और यतः मक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाए गैस अथॉरिटी आफ इंडिया लिमिटेड में सभी बाधाओं में मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची I

गैस पाइप लाइन प्रोजेक्ट

मनडपेट जी. सी. एस. से जेगुरुप्पाडु पारिच्छेद 6(1) विज़प्पि जी. सी. के. इन्डस्ट्रीज

जन्तपद	तहसील	ग्राम	सर्वे नं.	क्षेत्रफल (हेक्टे./एकड़ में)	विवरण
1	2	3	4	5	6
पूर्व गोशवरि	मनडपेट	येडिदा बिट-I	1117-1 भाग	0.14.00	थोड़ा था ज्यादा
			2 "	0.16.00	"
			3 "	0.01.00	"
			1118-1ए "	0.00.50	"
			1116-1 "	0.09.00	"
			1119-1 "	0.00.50	"
			3 "	0.21.50	"
			1114-2 "	0.01.50	"
			3 "	0.13.50	"
			4 "	0.00.50	"
			1113- "	0.10.50	"
			1109-1 "	0.12.50	"
			2 "	0.10.50	"
			4 "	0.08.50	"
			1095-4 "	0.02.50	"
			1110-1 "	0.17.50	"
			2 "	0.07.00	"
			1080-1 "	0.01.00	"
			2 "	0.16.00	"
			1089- "	0.36.00	"
			1088- "	0.03.50	"
			1087- "	0.13.00	"
			1085- "	0.18.00	"
			864- "	0.06.00 जि.पि.	"

1	2	3	4	5	5	
पूरब गोंदाबगि	मन्डपेट	बेडिद भाग II	863-	भाग	0.37.00	थोड़ा या ज्यादा
			868-	"	0.01.00	"
			884-	"	0.01.00	"
			883-	"	0.25.00	"
			882-	"	0.07.50	"
			890-	"	0.17.00	"
			880-	"	0.18.50	"
			879-	"	0.17.00	"
			891-3	"	0.02.50	"
			2	"	0.00.50	"
			1	"	0.07.50	"
			893-4	"	0.02.50	"
			3	"	0.05.50	"
			894-1	"	0.19.50	"
			2-	"	0.14.50	"
			895-5	"	0.03.50	"
			1	"	0.04.00	"
			791-2	"	0.01.00	"
			1	"	0.01.00	"
			790-5	"	0.19.50	"
			4	"	0.00.50	"
			789-2	भाग	0.13.00	"
			784-1	"	0.09.00	"
			784-8	"	0.11.50	"
			6	"	0.00.50	"
			4	"	0.02.00	"
			5	"	0.03.00	"
			3	"	0.02.50	"
			2	"	0.00.50	"
			782-4	"	0.01.00	"
			3	"	0.17.00	"
			1	"	0.00.50	"
			783-3	"	0.01.00	"
			2	"	0.11.50	"
			1	"	0.08.00	"
			780-2	"	0.00.50	"
पूरा कुल हेक्टे.				2.87.50 या कर 7.11 सेंट्स		

ग्रामपद	तहसील	ग्राम	मर्वे नं.	क्षेत्रफल (हेक्टे./एकड़ में)	विवरण
1	2	3	4	5	6
पूरब गोदावरी	मन्डपेट	वेडिद भाग III	641--	भाग	थोड़ा या ज्यादा जी. पी.,,
			785--	,,	,,
			640-4	,,	,,
			5	,,	,,
			646--	,,	,,
			647-1	,,	,,
			648-1	,,	,,
			2ए	,,	,,
			2बी	,,	,,
			649-1	,,	,,
			629-2ए	,,	,,
			1ए	,,	,,
			630-1	,,	,,
			2ए	,,	,,
			3	,,	,,
			625-2	,,	,,
			619-4	,,	,,
			620-1	,,	,,
			2	,,	,,
			3	,,	,,
			4	,,	,,
			349-2	,,	,,
			6	,,	,,
			कुल हेक्टे	2-17.00	
			348-7	,,	,,
			6	,,	,,
			8	,,	,,
			346-1	,,	,,
			2	,,	,,
			3	,,	,,
			5	,,	,,
			6	,,	,,
			345-1	,,	,,
			2	,,	,,
			3	,,	,,
			344-1	,,	,,
			2	,,	,,

1	2	3	4	5	6	
पूर्व गोदावरी	मन्डपेट	वेडिद भाग III	328-	भाग	0.02.00	जी.पी.,
			329-1	"	0.07.00	"
			2	"	0.00.50	"
			331-1	"	0.24.00	"
			293-2	"	0.10.50	"
			332-1	"	0.11.50	"
			292-2	"	0.15.50	"
			कुल हेक्टे.		1.51.00	
			270-2	"	0.16.50	थोड़ा या ज्यसा
			3	"	0.01.00	"
			271-1	"	0.17.00	"
			272-1	"	0.10.50	"
			283-	"	0.03.00	जि.पी.,
			280-3	"	0.19.00	"
			278-1	"	0.01.50	"
			2	"	0.02.00	"
			3	"	0.19.50	"
			कुल हेक्टे		0.90.00	
			पांच कामज का हेक्टे		1.51.00	
			चार कामज का हेक्टे		2.17.00	
			पूरा कुल हेक्टे		4.58.00	
			भाग I हेक्टे		2.63.00 या	याकर सेंटस 8.50
			भाग II हेक्टे		2.87.50	7.11
			भाग III हेक्टे		4.58.00	11.33
			पूरा कुल हेक्टे		10.08.50	24.94

[सं. एल.-14016/16/94-जी. पी.]

अध्वन्दु सेन, निदेशक

New Delhi, the 4th January, 1996

S.O. 89—Whereas by Notification of the Government of India in the Ministry of Petroleum & NG S.O. 26(E) Dated 10-1-95 under sub-section (1) of Section 3 of the Petroleum and Minerals pipe lines (Acquisition of Right of User in land Act 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipe line.

And whereas the Competent Authority has under sub-section (1) Section 6 of the said Act submitted report to the Government.

And further whereas the Central Government has after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now therefore in exercise of the power conferred by sub-section (i) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedules appended to this notification hereby acquired for laying the pipe line.

And further in exercise of power conferred by sub-section (4) of the Section the Central Government directs that the right of user in the said land shall instead of vesting in Central Government vest, on this date of the publication of this declaration, in the Gas Authority of India Limited free from all encumbrances.

SCHEDULE —I

GAS PIPE LINE PROJECT

Mondapata G.C.S. to Jagurapadu G.U.K. Industries For Section 6(1) Notification

District	Mandal	Village	Survey No.	Area (In Hect/Arca)	Remarks
1	2	3	4	5	6
East Godavari (AP)	Mandapeta	Yedida Bir No. I	1117-1 Part	0 14 00	More or Less
			2 „	0 16 00	„
			3 „	0 01 00	„
			1118-1 Part	0 00 50	„
			116-1 „	0 09 00	„
			1119-1 „	0 00 50	„
			3 „	0 21 50	„
			1114-2 „	0 01 50	„
			3 „	0 13 50	„
			4 „	0 00 50	„
			1113-1 „	0 10 50	„
			1109-1 „	0 12 50	„
			.. 2 „	0 10 50	„
			4 „	0 08 50	„
			1095-4 „	0 02 50	„
			1110-1 „	0 17 50	„
			2 „	0 07 00	„
			1080-1 „	0 01 00	„
			2 „	0 16 00	„
			1089- „	0 36 00	„
			1088- „	0 03 50	„
			1087- „	0 13 00	„
			1085- „	0 18 00	„
			864- „	0 06 00	G.P. „
			865- Part	0 37 00	„
			868- „	0 01 00	„
			884- „	0 01 00	„
			883- „	0 25 00	„
			882- „	0 07 50	„
			890- „	0 17 00	„
			880- „	0 18 50	„
			879- „	0 17 00	„
			891-3 „	0 02 50	„
			2 „	0 00 50	„
			1	0 07 50	„
			893-4 „	0 02 50	„
			3 „	0 05 50	„

1	2	3	4	5	6
East Godavari (AP)	Mandatape	Yedida Bit No. III	894-1 Part	0.19.50	More or Less
			2 „	0.14.50	„
			895-5 „	0.03.50	„
			1 „	0.04.00	„
			791-2 „	0.01.00	„
			1 „	0.01.00	„
			790-5 „	0.19.50	„
			4 „	0.00.50	„
			789-2 „	0.13.00	„
			1 „	0.09.00	„
			784-8 „	0.11.50	„
			6 „	0.00.50	„
			4 „	0.02.00	„
			5 „	0.03.00	„
			3 „	0.02.50	„
			2 „	0.00.50	„
			782-4 „	0.01.00	„
			3 „	0.17.00	„
			1 „	0.00.50	„
			783-3 „	0.01.00	„
			2 „	0.11.50	„
			1 „	0.08.00	„
			780-2A „	0.00.50	„
			641- „	0.00.50	G.P. „
			785- „	0.03.00	G.P. „
			640-4 „	0.00.50	„
			„ 5 „	0.03.00	„
			646- „	0.03.50	G.P. „
			647-1 „	0.14.50	„
			648-1 „	0.12.00	„
			„ 2A „	0.05.00	„
			„ 2B „	0.05.50	„
			649-1 „	0.18.50	„
			629-2A „	0.31.50	„
			„ 1A „	0.00.50	„
			630-1 „	0.20.50	„
			2A „	0.13.00	„
			3 „	0.08.50	„
			625-2 „	0.10.00	„
			619-4 „	0.07.50	„
			620 1 „	0.04.50	„
			2 „	0.03.50	„
			3 „	0.07.50	„
			4 „	0.24.50	„
			349-2 „	0.03.00	„
			6 „	0.16.50	„

1	2	3	4	5	6
East Godavari (AP)	Mandapeta	Yedida Bit	348-7 Part	0.01.00	More or Less
		No. III	6 "	0.07.50	"
			8 "	0.07.00	"
			346-1 "	0.04.00	"
			2 "	0.05.50	"
			3 "	0.09.50	"
			5 "	0.02.00	"
			6 "	0.03.00	"
			345-1 "	0.09.50	"
			2 "	0.01.00	"
			3 "	0.13.00	"
			344-1 "	0.16.00	"
			2 "	0.01.00	"
			328- "	0.02.00	G.P. "
			329-1 "	0.07.00	"
			2 "	0.00.50	"
			331-1 "	0.24.00	"
			293.2 ,,	0.10.50	"
			332-1 "	0.11.50	"
			292-2 "	0.15.50	"
			270-2 "	0.16.50	"
			" 3 "	0.01.00	"
			271-1 "	0.17.00	"
			272-1 "	0.10.50	"
			283- "	0.03.00	G.P. "
			280-3 "	0.19.00	"
			278-1 "	0.01.50	G.P. "
			2 "	0.02.00	"
			3 "	0.19.50	"
Total				10.08.50	or Ac 24.94 Cents

[No. L-14016/16/94 G.P.]
ARDHENDU SEN, Director

नई दिल्ली, 2 जनवरी, 1996

का.आ.90.—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस अधिसूचना का.आ.सं. 27 (ई) तारीख 10-1-95 द्वारा केन्द्रीय सरकार ने उस प्रतिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइन बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय रैन अथॉरिटी ऑफ इंडिया लिमिटेड में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची परिच्छेद 6(1) विज्ञप्ति
मन्थपेट जि मि यस से जेगुरुपाडु (जि मि के इन्धस्ट्रीज)
गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	ग्राम	सर्वे नं.	क्षेत्रफल (हेक्टे/एकड़ में)	विवरण
1	2	3	4	5	6
पूरुव गोदावरी	कडिया	मुरमन्ड	269-1 भाग	0.10.00	ज्यादा या कमी
			" 8	0. 3.00	
			" 7	0.05.50	
			" 6 "	0.05.50	
			268-6 "	0.09.50	
			" 4 "	0.09.50	
			" 5 "	0.09.00	
			" 6 "	0.01.00	
			267-4 "	0. 2.00	
			" 3 "	0.02.50	
			266-3 "	0.09.50	
			" 4 "	0.09.50	
			283- "	0.02.50	जिपि.
			282- "	0.00.50	
			284-3 "	0.17.00	
			4 "	9.07.50	
			285-1 "	0.13.50	
			2 "	0. 5.00	
			286-2 "	0.13.50	
			225-1 "	0.20.00	
			2 "	0.01.50	
			223-2 "	0.03.50	
			3 "	0.08.50	

1	2	3	4	5	6
पूरब गोदावरी	कब्जियां	सुरमन्ड	213-4 भाग	0.10.00	ज्यादा या कमी
			5 "	0.07.50	
			1 "	0.00.50	
			6 "	0.00.50	
			2 "	0.01.50	
			212-4 "	0.16.00	
			1 "	0.02.50	जि.पि.
			210 "	0.04.50	जि.पि.
			201-4 "	0.07.00	
			12 "	0.04.50	
			5 "	0.04.00	
			6 "	0.02.00	
			8 "	0.00.50	
			202 "	0.05.50	जि.पि.
			204-1 "	0.08.50	
			2वीं "	0.00.50	
			3 "	0.15.00	
			203-1 "	0.01.00	जि.पि.
			3 "	0.06.50	
			4 "	0.07.50	
			7 "	0.09.50	
			193 "	0.03.50	जि.पि.
कुल हेक्टे.				3.28.00 या एकड़ 8.10 सेंट्स	

[सं. एल-14016/16/94-जी.पी.]

अर्घेन्दु सेन, निदेशक

New Delhi. the 2nd January, 1996

S O. 90:—Whereas by Notification of the Government of India in the Ministry of Petroleum & N.G. S O. 27(E) dated. 10-1-95 under sub-section (I) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land Act) 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act submitted report to the Government.

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, therefore in exercise of the power conferred by sub-section (I) of the Section 6 of the said Act the Central Government hereby declares that the right of user in the said lands specified in the schedules appended to this notification hereby acquired for laying the pipe line.

And further in exercise of power conferred by sub-section (4) of the Section the Central Government directs that the right of user in the said land shall instead of vesting in Central Government vest, on this date of the publication of this declaration, in the Gas Authority of India Limited free from all encumbrances.

SCHEDULE FOR SECTION 6(D) NOTIFICATION
Mandapeta G.E.S. to Jegarupadu (G V K. Industries)
GAS PIPE LINE PROJECT

District	Mandal	Village	Survey Nos.	Area (In Hect/Acres)	Remarks
(1)	(2)	(3)	(4)	(5)	(6)
East Godavari	Kadiyam	Muramanda	269-1 Part	0 20 00	More or Less
			8,,	0.13 00	
			7,,	0.05 00	
			6,,	0.05.50	
			268-6,,	0.09.50	
			4,,	0.09.50	
			5,,	0.09 00	
			6,,	0.01.00	
			267-4,,	0 12.00	
			5,,	0.02.50	
			266-3,,	0.09.50	
			4,,	0.07.50	
			283,,	0.09.50	G.P.
			282,,	0.00.00	
			284-3,,	0.17.00	
			4,,	0.07.50	
			285-1,,	0.13.50	
			2,,	0.15.00	
			286-2,,	0.13.50	
			225-1,,	0.20.00	
			2,,	0 01.50	
			223-2,,	0 03.50	
			3,,	0.08.50	
			213-4 Part	0.10.07	
			5,,	0.00.50	
			1,,	0.00.50	
			6,,	0.00.50	
			2,,	0.01.50	
			212-4,,	0.16.00	
			1,,	0.02.50	G.P.
			210,,	0.04.50	G.P.
			201-4,,	0.07.00	
			12,,	0 04.50	
			5,,	0 04.00	
			6,,	0 02.00	
			8,,	0.00.50	
			202,,	0.05.50	G.P.
			204-1,,	0.08.50	
			2B,,	0.00.50	
			3,,	0 15.00	
			203-1,,	0 01.00	G.P.
			3,,	0.06.50	
			4,,	0.07.50	
			7,,	0.09.50	
			193,,	0.03.50	G.P.
Grand Total				3.28.00	or AC 8.10 Cents

[No. L-14016/16/94 G.P.]
ARDHENDU SEN, Director

नई दिल्ली, 2 जनवरी, 1996

का.आ. 91.—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा-3 के उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस अधिसूचना का.आ.सं. 28(ई) तारीख 10-1-95 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइन विछाने के लिए अर्जित करने का अपना शास्य घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करके के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अथ अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन विछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय गैस अथॉरिटी ऑफ इंडिया लिमिटेड में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची परिच्छेद 6 (1) विज्ञप्ति

मन्डपेट जि.सि. एस से जेगुखाडु (जि.वि.के. इन्डस्ट्रीज)

गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	ग्राम	सर्वे नं.	क्षेत्रफल (हेक्टे/एकड़ में)	विवरण
1	2	3	4	5	6
पूरब गोदावरी	कडियां	जेगुखाडु	431-4डो भाग	0.17.0' 0	थोड़ा या ज्यादा
			3वीं "	0.12.50	"
			3ए "	0.05.50	"
			2 "	0.0' 0.50	"
			426-2 "	0." 06.50	"
			1 "	0.12.50	"
			423-2 "	0.11.50	"
			421 "	0.05.50	"
			420-3 "	0.09.00	"
			2बी "	0.03.50	"
			2ए "	0.03.00	"
			1 "	0.08.00	"
			418-4 "	0.03.50	"
			2 "	0.05.50	"
			3 "	0.11.50	"
			416 "	0.14.00	"
			414-3 "	0.16.00	"
			2 "	0.05.50	"
			411 "	0.04.50 जि.पि.	"
			392-1 "	0.05.50	"
			405-12 "	0.08.50	"
			11 "	0.04.00	"
			8बी "	0.05.50	"
			8ए "	0.02.00	"

1	2	3	4	5	6
पूर्व गोशायरी	कडियां	जेपुरपाट्ट	405-6 भाग	0.00.50	थोड़ा या ज्यादा
			5 "	0.11.00	"
			406- "	0.14.00	"
			407-22 "	0.03.00	"
			21 "	0.01.00	"
			15 "	0.09.00	"
			14 "	0.02.00	"
			16 "	0.08.50	"
			9 "	0.02.00	"
			17 "	0.03.50	"
			8 "	0.03.00	"
			7 "	0.04.00	"
			6 "	0.01.00	"
			5 "	0.02.50	"
			4 "	0.02.50	"
			408- "	0.03.00	जि.पि. "
			197-7 "	0.05.00	"
			6 "	0.12.00	"
			198-481 "	0.16.50	"
			40 "	0.08.50	"
			3 "	0.03.50	"
			199-6 "	5.09.50	"
			7 "	0.07.50	"
			200-6 "	0.01.50	"
			7 "	0.02.50	"
			5 "	0.06.50	"
			201-5 भाग	0.07.00	"
			2 "	0.00.50	"
			1 "	0.01.00	"
			202-7 "	0.05.00	"
			6 "	0.01.00	"
			4 "	0.05.50	"
			3 "	0.06.50	"
			202-2 "	0.02.50	"
			1 "	0.02.00	"
			204-10 "	0.03.50	"
			9 "	0.04.50	"
			5 "	0.02.50	"
			6 "	0.04.00	"
			4 "	0.04.00	"
			7 "	0.05.50	"
			3-ए "	0.11.50	"
			3-बी "	0.00.50	"
			207- "	0.05.50	जि.पि. "
			206+ "	0.06.00	"
			165-10 "	0.01.00	"

1	2	3	4	5	6
पूरव गोदावरी	कडियां	जेम्सगुड	9 भाग	0. 00. 50	जी. पि. या ज्योदा
			8 "	0. 09. 00	"
			163-4 "	0. 10. 50	"
			3ई "	0. 04. 50	"
			3डी "	0. 07. 50	"
			3वी "	0. 22. 50	"
			कुल हेक्टे.	1. 41. 00	"
			160-7 "	0. 07. 50	"
			4ए "	0. 01. 50	"
			4बी "	0. 00. 50	"
			6ए "	0. 03. 50	"
			6बी "	0. 05. 50	"
			158- "	0. 02. 50	जि. पि.
			157- "	0. 02. 00	"
			147-9 "	5. 00. 50	"
			148-14 "	5. 01. 00	"
			12ए "	0. 07. 50	"
			13बी "	0. 02. 50	"
			12 "	0. 12. 00	"
			8 "	0. 04. 50	"
			9 "	0. 09. 50	"
			7 "	0. 03. 50	"
			5 "	0. 06. 50	"
			4 "	0. 06. 00	"
			155-8बी "	0. 16. 00	"
			6ए "	0. 01. 00	जि. पि.
			73- "	0. 14. 00	जि. पि.
			72-3ए "	0. 07. 50	"
			3बी "	0. 07. 00	जि. पि.
			4ए "	0. 03. 00	"
			71-6 "	0. 01. 00	"
			7 "	0. 10. 50	"
			5बी "	0. 12. 50	"
			66-1 "	0. 01. 00	"
			2बी "	0. 20-00	"
			3बी "	0. 02. 00	जि. पि.
			4 "	0. 01. 50	"
			68- "	0. 07. 50	जि. पि.
			49- "	0. 05. 50	"
			50/1-1 "	0. 03. 00	"
			पूरा कुल हेक्टे. —	6. 48. 00	"

[सं. एल-14016/16/94-जी. पी.]

अर्थन्तु सेंम, निदेशक

New Delhi, the 2nd January, 1996

S.O. 91 :—Whereas by Notification of the Government of India in the Ministry of Petroleum & N.G. S.O. 28(E) dated 10-1-95 under sub-section (1) of Section 3 of the Petroleum and Minerals pipe lines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline.

And Whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government.

And Further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, Therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedules appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub-section (4) of the Section the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government's, on this date of the publication of this declaration, in the Gas Authority of India Limited free from all encumbrances.

SCHEDULE FOR SECTION 6(1) NOTIFICATION

GAS PIPE LINE PROJECT

MANDAPETA G.C.S. TO JAGURUPADU

(G.V.K. INDUSTRIES)

District	Mandal	Village	Survey Nos.	Area (In Hect/ Acres)	Remarks
1	2	3	4	5	6
East Godavari	Kadiyam	Jeguru Padu	431-4D Part	0.17.00	More or less
			„ 3B Part	0.12.50	„
			„ 3A Part	0.5.50	„
			„ 2 Part	0.00.50	„
			426-2 Part	0.06.50	„
			„ 1 Part	0.12.50	„
			423-2 Part	0.11.50	„
			421—Part	0.05.50	„
			420-3 Part	0.09.00	„
			„ 2B „	0.03.50	„
			„ 2A „	0.03.00	„
			„ 1 „	0.08.00	„
			418-4 Part	0.03.50	„
			„ 2 „	0.05.50	„
			„ 3 „	0.11.50	„
			416 Part	0.14.00	„
			414-3 Part	0.16.00	„
			„ 2 „	0.05.50	„
			411—Part (G.P.)	0.04.50	„

1	2	3	4	5	6
East Godavari—Contd.	Kadiyam—Contd.	Jegurupadu—	392-1 Part	0.05.50	More or Less
		Contd.	405-12 Part	0.08.50	„
			„ 11 „	0.04.00	„
			„ 8B „	0.05.50	„
			„ 8A „	0.02.00	„
			405-6 Part	0.00.50	„
			„ 5 „	0.11.00	„
			406-Part	0.14.00	„
			407-22 Part	0.03.00	„
			„ 21	0.01.00	„
			„ 15 „	0.09.00	„
			„ 14 „	00.2.00	„
			„ 16 „	0.08.50	„
			„ 9 „	0.02.00	„
			„ 17 „	0.03.50	„
			„ 8 „	0.03.00	„
			„ 7 „	0.04.00	„
			„ 6 „	0.01.00	„
			„ 5 „	0.02.50	„
			„ 4 „	0.02.50	„
			408-Part	0.03.00	„
			(G.P.)		
			197-7 Part	0.05.00	„
			„ 6 „	0.12.00	„
			198-4 BPart	0.16.50	„
			„ 4A „	0.08.50	„
			„ 3 „	0.03.50	„
			199-6 Part	0.09.50	„
			„ 7 „	0.07.50	„
			200-6 Part	0.01.50	„
			„ 7 „	0.02.50	„
			„ 5 „	0.06.50	„
			201-5 Part	0.07.00	„

1	2	3	4	5	6
East Godavari	Kadiyam	Jegurupadu	201-2 Part	0.00.50	More or Less
			„ 1 „	0.01.00	„
			202-7 Part	0.05.00	„
			„ 6 „	0.01.00	„
			„ 4 „	0.05.50	„
			„ 3 „	0.06.50	„
			202-2 Full	0.02.50	„
			„ 1 „	0.02.00	„
			204-1 Part	0.03.50	„
			„ 9 „	0.04.50	„
			„ 5 „	0.02.50	„
			„ 6 „	0.04.00	„
			„ 4 „	0.04.00	„
			„ 7 „	0.05.50	„
			„ 3A „	0.11.50	„
			„ 3B „	0.00.50	„
			207-Part (G.P.)	0.05.50	„
			206-Part (G.P.)	0.06.00	„
			165-10 Part	0.01.00	„
			„ 9 „	0.07.50	„
			„ 8 „	0.09.00	„
			163-4 Part	0.10.50	„
			„ 3E „	0.04.50	„
			„ 3D „	0.07.50	„
			„ 3C „	0.22.50	„
			160-7 Part	00.00.50	„
			„ 4A „	0.01.50	„
			„ 4B „	0.00.50	„
			„ 6A „	0.03.50	„
			„ 6B „	0.05.50	„
			158-Part (G.P.)	0.02.50	„
			157-Part (G.P.)	0.02.00	„

1	2	3	4	5	6
East Godavari	Kadiyam	Jegurupadu	147-9 Part	0.00.50	More or Less
			148-14 Part	0.01.00	„
			„ 13A „	0.07.50	„
			„ 13B „	0.02.50	„
			„ 12 „	0.12.00	„
			„ 8 „	0.04.50	„
			„ 9 „	0.09.50	„
			„ 7 „	0.03.50	„
			„ 5 „	0.06.50	„
			„ 4 „	0.06.00	„
			155-8 B Part	0.16.00	„
			„ 6A „ (G.P.)	0.01.00	„
			73 -Part (G.P.)	0.14.00	„
			72-3A Part	0.07.50	„
			„ 3B „ (G.P.)	0.07.00	„
			„ 4A „	0.03.00	„
			71-6 Part	0.01.00	„
			„ 7 „	0.10.50	„
			„ 5B „	0.12.50	„
			66-1 Part	0.01.00	„
			66-2B „	0.20.00	„
			66-3B „ (G.P.)	0.02.00	„
			66-4 „	0.01.50	„
			68-Part (G.P.)	0.07.50	„
			49-Part	0.05.50	„
			50/1-1 Part	0.03.00	„
			Grand Total	6.48.00	

[No. L—14016/16/94-G.P.]

ARDHENDU SEN, Director

शुद्धि-पत्र

नई दिल्ली, 2 जनवरी, 1996

का.आ. 92—निम्नलिखित अनुसूची में खाना 1 से 6 में लिखे हुए शब्दों और संख्या भारत सरकार की अधिसूचना नं. का.आ. 28 (ई) तारीख 10-1-95 भारत का राजपत्र सं. 22 भाग-II खंड 3 उपखंड (ii) तारीख 11-1-95 पृष्ठ 28 से 44 तारीख हुए अधिसूचना की अनुसूची में हुई है। इससे वजह निम्नलिखित अनुसूची के खाना 7 से 12 में लिखे हुए शब्दों और संख्या पढ़ना।

मंडपेट जि.सि.एस. से जेगुल्पाहु जि.वि.के इंडस्ट्रीस तक गैस पाइप लाइन

प्रसारित किया गया वर्णन

अ.सं.	गांव का नाम	मॉडल	जिला	स.नं.	क्षेत्र	अ.सं.	गांव का नाम	मॉडल	जिला	स.नं.	क्षेत्र
1	2	3	4	5	6	7	8	9	10	11	12
1	जेगुल्पाहु	खडियाम	पूर्व गोदावरी	431/4वी भाग	0.16.50	1	जेगुल्पाहु	खडियाम	तुरुपुगेडावारि	431/4वी भाग	0.17.00
2				" 3वी "	0.08.50	2				" 3वी "	0.12.50
3				" 3ए "	0.06.50	3				" 3ए "	0.05.50
4				" 2 "	0.01.60	4				" 2 "	0.00.50
5				426/2 भाग	0.03.00	5				426/2 भाग	0.06.50
6				" 1 "	0.17.50	6				" 1 "	0.12.50
7				407/22 भाग	0.01.50	7				407/22 भाग	0.03.00
8				" 21 "	0.00.50	8				" 21 "	0.01.00
9				" 15 "	0.12.00	9				" 15 "	0.09.00
10				" 14 "	0.01.50	10				" 14 "	0.02.00
11				" 16 "	0.09.00	11				" 16 "	0.08.50
12				" 9 "	0.01.00	12				" 9 "	0.02.00
13				" 17 "	0.05.00	13				" 17 "	0.03.50
14				407/7 भाग	0.03.00	14				407/7 भाग	0.04.00
15				" 6 "	0.00.50	15				" 6 "	0.01.00
16				" 5 "	0.03.50	16				" 5 "	0.02.50
17				" 4 "	0.01.00	17				" 4 "	0.02.50
18				198/4 बी भाग	0.16.00	18				198/4 बी भाग	0.16.50

1	2	3	4	5	6	7	8	9	10	11	12
19	जोगुल्पाडू—जारा	खडियाम—जारी	पूर्व गोदावरी—जारी	199/भाग	0.16.50	19	जोगुल्पाडू—जारी	खडियाम—जारी	पूर्व गोदावरी—जारी	199/6 भाग	0.09.50
										" 7 "	0.07.50
20				200/भाग	0.10.50	20				200/6 भाग	0.01.50
										" 7 "	0.02.50
										" 5 "	0.06.50
21				201/भाग	0.11.50	21				201/5 भाग	0.07.00
										" 2 "	0.00.50
										" 1 "	0.01.00
22				202/भाग	0.18.00	22				202/7 भाग	0.05.00
										" 6 "	0.01.00
										" 4 "	0.05.50
										" 3 "	0.06.50
										202/2	0.02.50
										" 1 "	0.02.00
23				147/भाग	0.00.50	23				147/9 भाग	0.00.50
24				72/3 भाग	0.14.00	24				72/3 ए भाग	0.07.50
25				66/भाग	0.24.50	25				" 3बी "	0.07.00
										66/1 भाग	0.01.00
										" 2बी "	0.20.00
										" 3बी "	0.02.00
										" 4 "	0.01.50
26				50/भाग	0.03.00	26				50/1/1भाग	0.03.00

[संख्या एल-14016/16/94-जी.पी.]

अर्घेन्दु सेन, निदेशक

भाग II—खंड 2(ii)]

भारत का राजपत्र, जनवरी 13, 1996/पृष्ठ 23, 1917

CORRIGENDUM

New Delhi, the 2nd January, 1996

S.O. 92.—Read words and figures shown in columns 1 to 6 to the schedule given below appearing in the schedule annexed to the Government of India Notification No. S.O. 28(E) dated 10-1-95 published in the Gazette of India No. 22, Part II—Section 3 Sub-section (ii) dated 11-1-95 on page 23 to 26 as “words & figures” shown in columns 7 to 12 to the schedule given below :

Gas Pipeline from Mandapeta—GCS to Jegurupadu G.V.K. Industries.

SCHEDULE

Sr. No.	Name of the Village	Mandal	District	Survey No.	Area Hec. Acs.	Sr. No.	Name of the Village	Mandal	District	Survey No.	Area Hec. Acs.
1	2	3	4	5	6	7	8	9	10	11	12
1	Jegurupadu	Kadiyam	East Godavari	431/4D Part	0.16.50	1	Jegurupadu	Kadiyam	East Godavari	431/4D Part	0.17.00
2				431/3B Part	0.08.50	2				431/3B Part	0.12.50
3				431/3A Part	0.06.50	3				431/3A Part	0.05.50
4				431/2 Part	0.01.50	4				431/2 Part	0.00.50
5				426/2 Part	0.03.00	5				426/2 Part	0.06.50
6				426/1 Part	0.17.50	6				426/1 Part	0.12.50
7				407/22 Part	0.01.50	7				407/22 Part	0.03.00
8				407/21 Part	0.00.50	8				407/21 Part	0.01.00
9				407/15 Part	0.12.00	9				407/15 Part	0.09.00
10				407/14 Part	0.01.50	10				407/14 Part	0.02.00
11				407/16 Part	0.09.00	11				407/16 Part	0.08.50
12				407/9 Part	0.01.00	12				407/9 Part	0.02.00
13				407/17 Part	0.05.00	13				407/17 Part	0.03.50
14				407/7 Part	0.03.00	14				407/7 Part	0.04.00
15				407/6 Part	0.00.50	15				407/6 Part	0.01.00
16				407/5 Part	0.03.50	16				407/5 Part	0.02.50
17				407/4 Part	0.01.00	17				407/4 Part	0.02.50
18				178/4B Part	0.16.00	18				198/4B Part	0.16.50
19				199/Part	0.16.50	19				199/6 Part	0.09.50
										199/7 Part	0.07.50

1	2	3	4	5	6	7	8	9	10	11	12
20	Jegurupadu	Kadiyam	East Godavari	200/Part	0.10.50	20	Jegurupadu	Kadiyam	East Godavari	200/6 Part 200/7 Part 200/5 Part	0.01.50 0.02.50 0.06.50
21				201/Part	0.11.50	21				201/5 Part 201/2 Part 201/1 Part	0.07.00 0.00.50 0.01.00
22				202/Part	0.18.00	22				202/7 Part 202/6 Part 202/4 Part 202/3 Part 202/2 Part 202/1 Part	0.05.00 0.01.00 0.05.50 0.06.50 0.02.50 0.02.00
23				147/Part	0.00.50	23				147/9 Part	0.00.50
24				72/3 Part	0.14.00	24				72/3A Part 72/3B Part	0.07.50 0.07.00
25				66/Part	0.24.50	25				66/1 Part 66/2B Part 66/3B Part 66/4 Part	0.01.00 0.20.00 0.02.50 0.01.00
26				50/Part	0.03.00	26				50/1 Part	0.03.00

[[No. L-14016/16/94 G.P.]
ARDHENDU SEN, Director

स्वास्थ्य और परिवार कल्याण मंत्रालय

नई दिल्ली, 20 दिसम्बर, 1995

का.आ. 93—केन्द्रीय सरकार होम्योपैथि केन्द्रीय परिषद अधिनियम, 1973 (1973 का 59) की धारा 13 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय होम्योपैथि परिषद से परामर्श करने के पश्चात्, उक्त अधिनियम की दूसरी अनुसूची में निम्नलिखित और संशोधन करती है, अर्थात्:—

उक्त अनुसूची में “कर्नाटक” शीर्षक के नीचे क्रमसं. 7घ और उसमें संबंधित प्रविष्टियों के पश्चात् निम्नलिखित क्रमसंख्यांक और प्रविष्टियां जोड़ी जाएंगी; अर्थात्:—

1	2	3	4
7ड शिवाजी विश्वविद्यालय	बैचलर आफ होम्योपैथिक मेडिसिन एंड सर्जरी	बी.एच.एम.एम.	1990 से 1995 तक
(1) होम्योपैथिक चिकित्सा कालेज, तारारानी चौक, कवालावाका, कोल्हापुर	बैचलर आफ होम्योपैथिक मेडिसिन एंड सर्जरी	बी.एच.एम.एम.	1990 से 1995 तक
(2) बेणुताई यशवंत राव चव्हाण होम्योपैथिक चिकित्सा कालेज, दसारा चौक, कोल्हापुर	बैचलर आफ होम्योपैथिक मेडिसिन एंड सर्जरी	बी.एच.एम.एम.	1990 से 1995 तक

[सं. बी. 27021/14/89—होमियो]

कंवल दास, अवर सचिव

टिप्पण : होमियोपैथि परिषद अधिनियम, 1973 (1973 का 59) के एक भाग के रूप में दूसरी अनुसूची भारत के राजपत्र में का.आ. 76, तारीख 20 दिसम्बर, 1973 द्वारा प्रकाशित की गई थी और तत्पश्चात् उसका निम्नलिखित द्वारा संशोधन किया गया —

- (1) का.आ. 3325 तारीख 04-11-1978
- (2) का.आ. 1517 तारीख 26-02-1983
- (3) का.आ. 1481 तारीख 12-03-1983
- (4) का.आ. 3099 तारीख 21-06-1985
- (5) का.आ. 2048 तारीख 24-03-1986
- (6) का.आ. 2270 तारीख 24-5-1986
- (7) का.आ. 2449 तारीख 01-08-1990
- (8) का.आ. 2501 तारीख 01-08-1990
- (9) का.आ. 2503 तारीख 21-08-1990
- (10) का.आ. 710 तारीख 20-02-1992
- (11) का.आ. 891 तारीख 05-03-1992
- (12) का.आ. 1210 तारीख 23-04-1992
- (13) का.आ. 2669 तारीख 24-09-1992

MINISTRY OF HEALTH AND FAMILY WELFARE

New Delhi, the 20th December, 1995

S.O. 93.—In exercise of the powers conferred by sub-section (2) of section 13 of the Homoeopathy Central Council Act, 1973 (59 of 1973), the Central Government, after consulting the Central Council of Homoeopathy, hereby makes the following further amendment in the Second Schedule to the said Act, namely:—

In the said Schedule, under the heading 'KARNATAKA' after serial number 7D and the entries relating thereto, the following serial number and entries shall be added, namely:—

1	2	3	4
7E Shivaji University	Bachelor of Homoeopathic Medicine and Surgery.	B.H.M.S.	From 1990 to 1995
(a) Homoeopathic Medical College, Tararani Chowk, Kavala Naka, Kolhapur.	Bachelor of Homoeopathic Medicine and Surgery.	B.H.M.S.	From 1990 to 1995

SCHEDULE

(b) Venutai Yashwantrao Chavan, Homoeopathic Medical College, Dasara Chowk, Kolhapur.	Bachelor of Homoeopathic Me- dicine and Surgery.	B.H.M.S. From 1990 to 1995
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[No. V. 27021/4/89-Homoeo]
KANWAL DAS, Under Secy.

Note: The Second Schedule as a part of the Homoeopathy Central Council Act, 1973 (59 of 1973) was published in the Gazette of India vide S.O. 76 dated the 20th December, 1973, and subsequently amended by :

- | | |
|---------------------------------|----------------------------------|
| (1) S.O. 3325, dated 04-11-1978 | (7) S.O. 2449, dated 01-08-1990 |
| (2) S.O. 1517, dated 26-02-1983 | (8) S.O. 2501, dated 01-08-1990 |
| (3) S.O. 1481, dated 12-03-1983 | (9) S.O. 2502, dated 21-08-1990 |
| (4) S.O. 3099, dated 21-06-1985 | (10) S.O. 710, dated 20-02-1992 |
| (5) S.O. 2048, dated 24-03-1986 | (11) S.O. 891, dated 05-03-1992 |
| (6) S.O. 2270, dated 24-05-1986 | (12) S.O. 1210, dated 23-04-1992 |
| | (13) S.O. 2669, dated 24-09-1992 |

नागर विमानन और पर्यटन मंत्रालय
(नागर विमानन विभाग)
नई दिल्ली, 29 नवम्बर, 1995

का. आ. 94.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में, नागर विमानन और पर्यटन मंत्रालय (नागर विमानन विभाग) के प्रशासनिक नियंत्रणाधीन इंडियन एयरलाइंस लिमिटेड के पूर्वी क्षेत्र के पटना स्टेशन को जिसके कर्मचारी-वृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[संख्या ई-11011/8/95—हिन्दी]

रघुनाथ साहू, निदेशक (राजभाषा)

MINISTRY OF CIVIL AVIATION & TOURISM

(Department of Civil Aviation)

New Delhi, the 29th November, 1995

S.O. 94.—In pursuance of Sub-rule (4) of Rule 10 of the Official Languages (Use for the Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the Patna Station of Indian Airlines Limited, Region, under the administrative control of Ministry of Civil Aviation and Tourism (Department of Civil Aviation) the staff of which have acquired the working knowledge of Hindi.

[No. F. 11011/8/95-Hindi]

RAGHUNATH SAHAL, Director (O.L.)

श्रम मंत्रालय

नई दिल्ली, 14 दिसम्बर, 1995

का. आ. 95.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विजया बैंक के प्रबंधन के संबद्ध नियोजकों
3151 GI/95—7

और उनके कर्मचारों के बीच, अन्वय में निर्दिष्ट औद्योगिक विवाद में, औद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 13-12-95 को प्राप्त हुआ था।

[संख्या एल—12012/45/94-आई. आर. बी-2]

ब्रज मोहन, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 14th December, 1995

S.O. 95.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Vijaya Bank and their workmen, which was received by the Central Government on 13-12-95.

[No. L-12012/45/94-IR(B-II)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU MADRAS

Thursday, the 23rd day of November, 1995

PRESENT :

Thiru N. Subramanian, B.A.B.L., Industrial Tribunal
Industrial Dispute No. 148/1994

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Vijay Bank, Madras).

BETWEEN :

The Workman represented by :
The Joint Secretary,
Vijay Bank Workers' Organisation,
283, Pycroft's Road,
Triplicane, Madras-600 005.

AND

The Asst. General Manager,
Vijay Bank Zonal Officer,
123, Marshalls Road,
Egmore, Madras-600 008.
REFERENCE :

Order No. L-12012/45/94-IR(B.II), dated 13-5-94, Ministry of Labour, Govt. of India, New Delhi.

This dispute coming on this day for final disposal in the presence of Thiru K. M. Ramesh, Advocate appearing for the Workmen and of Thiru M. Jaganathan, Advocate for the Management upon perusing the reference and other connected papers on record and the Counsel for the Workmen having made an endorsement for not pressing this dispute, this Tribunal passed the following award :

AWARD

This reference has been made for adjudication of the following issue :

"Whether the action of the Management of Vijay Bank, Madras in imposing a punishment of stoppage of one increment permanently on Shri G. Thenappan, Clerk vide their order dated 21-8-1991 is justified? If not, what relief is the said workman entitled to? Endorsement made. Industrial dispute dismissed as not pressed.

Dated, this 23rd day of November, 1995.

THIRU N. SUBRAMANIAN, Industrial Tribunal

Copy of Endorsement made by counsel for petitioner Not pressing the I.D. No. 148/1994.

Sd/- Michael Amalraj
23-11-95.

Counsel for Petitioner
for K. M. Ramesh.

नई दिल्ली, 15 दिसम्बर, 1995

का. आ. 96.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुभरण में केन्द्रीय सरकार आन्ध्रा बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-12-95 को प्राप्त हुआ था।

[संख्या एल-12012/21/94-आई. आर. बी.-2)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 15th December, 1995

S.O. 96.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Andhra Bank and their workmen, which was received by the Central Government on 14-12-95.

[No. L-12012/21/94-IR(B-II)]
BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I. D. No. 58/94

In the matter of dispute between :
Andhra Bank Employees Union through
Maha Sachiv, Andhra Bank Employees Union,

clo Andhra Bank Service Centre, 17-II/64,
Ainul Khan Road, Karol Bagh, New Delhi-110005.

Versus

Maha Prabandhak (Staff)
Andhra Bank (Central Office,
Kothi, Hyderabad.

APPEARANCES :

Shri Inderjit Singh—for the workman.
Shri Sameer Parkash—for the Management with
Shri Dinesh Aggarwal.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/21/94-I.R.B-2 dated 2-5-94 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Andhra Bank, New Delhi in not granting the annual increments to Shri Satyanarayana, Spl. Assistant for the year 1991, 1992 and 1993 is justified? If not, what relief is the said workman entitled to?"

2. The case was today taken up in the presence of the representative for the workman and the management. The management representative made statement that the question of stoppage of increments of the workman for the year 1988 to 1990 shall be taken up by the Disciplinary Authority at the time of finalisation of the disciplinary proceedings. The increments for the year 1991-92 and 93 amounting to Rs. 120 each have since been realised by the management. A copy of letter to this effect was also filed. In view of this situation no dispute exists between the parties and parties shall remain bound by the terms of the statement made in the court. They shall bear their own costs of this dispute.

GANPATI SHARMA, Presiding Officer
12th October, 1995.

नई दिल्ली, 15 दिसम्बर, 1995

का. आ. 97.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुभरण में केन्द्रीय सरकार हिन्दुस्तान पेट्रोलियम कारपोरेशन लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में, औद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 13-12-95 को प्राप्त हुआ था।

[संख्या-एल 20040/29/94-आई आर (सी-I)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 15th December, 1995

S.O. 97.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Hindustan Petroleum Corporation Ltd. and their workmen, which was received by the Central Government on 13-12-95.

[No. L-20040/29/94 IR(C-I)]
BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU
MADRAS

Thursday, the 23rd day of November, 1995

PRESENT :

Thiru N. Subramanian, B.A.B.L., Industrial Tribunal,

INDUSTRIAL DISPUTE No. 68 OF 1995

New Delhi, the 15th December, 1995

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Hindustan Petroleum Corporation Ltd., Madras)

BETWEEN

The Workman represented by
The General Secretary,
Petroleum Employees Union,
HPCL, Madras Terminal,
Tondiarpet, Madras-21.

AND

The Deputy Manager-Pers. & I.R.,
Hindustan Petroleum Corporation, Ltd.,
P.B. No. 3045, Gandhi Irwin Road,
Egmore, Madras-8.

REFERENCE :

Order No. L-20040/29/94-IR(Coal-I), dated 10-10-95,
Ministry of Labour, Govt. of India, New Delhi.

This dispute coming on this day for final disposal upon perusing the reference and other connected papers on record and the parties in person having made an endorsement for withdrawing this dispute, this Tribunal passed the following :

AWARD

"Whether the Management of Hindustan Petroleum Corporation Ltd, Madras is justified in imposing the penalty of warning on the basis of domestic enquiry of Shri P. Jose Philip and not considering the workman for promotion during the pendency of domestic enquiry and one year after the award of penalty? If not, to what relief the workman is entitled?"

Representatives of Petitioner and Respondent present. They made an endorsement. Industrial Dispute dismissed as withdrawn by the petitioner. No costs.

Dated, this the 23rd day of November, 1995

THIRU N. SUBRAMANIAN, Industrial Tribunal.

COPY OF ENDORSEMENT MADE BY PARTIES

1. Mr. M.N. Shirali, Senior Manager P & AR,
Hindustan Petroleum Corporation Ltd.,
Madras-8. For Corporations.

2. Mr. K. Beakar, General
Secretary, Petroleum Employees
Union, HPCL, Madras-8—For Applicant.

Applicant has agreed to withdraw the case for which Corporation agreed.

Sd/- M. Baskar, 23-11-95

Sd/- C. N. Shirali,
for HPCL 23-11-95.

नई दिल्ली, 15 दिसम्बर, 1995

का.ग्रा. 98.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डेप्युटी एयरलाइंस के प्रबंधन से संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-12-95 को प्राप्त हुआ था।

[संख्या-11012/28/92 आई.आर. (विवाद)/आर.आर.
(सी-1)]

ब्रज मोहन, डेस्क अधिकारी

S.O. 98.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bombay as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Airlines and their workmen, which was received by the Central Government on 13-12-1995.

[No. L-11012/28/92 IR(Misc.)/IR(C-I)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 1, BOMBAY

PRESENT :

Shri Justice R. S. Verma, Presiding Officer.

REFERENCE NO. CGIT-1/15 OF 1994

PARTIES :

Employers in relation to the management of Indian
Airlines.

AND

Their Workmen

APPEARANCES :

For the Management : Shri Swami, Advocate.

For the Workman : No appearance.

INDUSTRY : Airlines. STATE : Maharashtra,
Bombay, the 8th December, 1995

AWARD

The appropriate Government has referred the following dispute to this Tribunal for adjudication.

"Whether the action of the management of Indian Airlines Bombay in ordering the removal from services of Shri Abdul Rehman, Traffic Assistant w.e.f. 28-9-89, who was in service from 1970 for alleged un-authorised absence for 81 days during March 1988 to June 1988 is just, proper and legal? If not, what relief is the workmen entitled to?"

2. Workman not present even at the 2nd call in the afternoon. Shri Swami present for management. The workman has not cared to supply the copy if the written statement of claim.

3. Heard Shri Swami. In the circumstances of the case, I have not been left with any alternative but to proceed to adjudicate upon the dispute in the absence of the workman. One ground that the workman has taken is that he did not cross-examine the witness of the management because he was assured by 'the protesting officer that no action could be taken against you and his interest would be taken care of'. The averment is not substantiated. The other ground taken is that his absence was due to emergent circumstances. No circumstances have been detailed. Last ground taken is that punishment was excessive. No extenuating grounds have been pointed out. No infirmity has been pointed out in domestic proceedings. The claim if the workman for reinstatement is not established. Claim is rejected. Award be made accordingly.

R. S. VERMA, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 1995

का.मा. 99.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) का धारा 17 के अनुसरण में, केंद्राय सरकार इंडियू. सा. एल. क प्रबन्धन क सबसु नियाजका और उनके कर्मकारा क बाच, अनुबध में नोडिष्ट आद्यागिक विवाद में केंद्राय सरकार आद्यागिक अधिकरण, बम्बई नं. 2 के पंचपट को प्रकाशित करता है, जा केंद्राय सरकार को 12-12-95 को प्राप्त हुआ था।

[सं. एल-22012/312/90-आई आर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 15th December, 1995

S.O. 99.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Bombay No. 2 as shown in the Annexure in the industrial dispute between the employers in relation to the management of W.C. Ltd. and their workmen, which was received by the Central Government on 12-12-1995.

[No. L-22012/312/90-IR (C-II)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENTS :

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2/31 of 1990

Employers in relation to the management of Western Coal Fields Limited

AND

Their Workmen.

APPEARANCES :

For the Employers—Shri B. N. Prasad, Advocate.

Shri G. S. Kapoor, Advocate.

For the Workmen—Shri S. R. Pendre Representative.
Bombay, the 24th November, 1995

AWARD PART-II

On 11th October, 1994 I passed award Part-I and answered preliminary issues No. 1 to 4. I came to the conclusion that the Industrial Disputes exists between the parties, that the reference is tenable and the Tribunal had the jurisdiction to try the same. While answering issue No. 4 I came to the conclusion that the departmental enquiry which was held against the workman Gajja was as per the principles of Natural Justice. Now by this award I have to answer the remaining issues. The Issues and my findings there on are as follows :

ISSUES	FINDINGS
5. Whether the action of the Mgt. of Sub Area Manager Chanda Rayatwari Sub-Area of WCL Ltd., PO and DT. Chandrapur (MS) is legal and justified in dismissing Shri Devishankar S/o Gajja, Loader w.e.f. 30-12-1989 ?	Action is legal and Justified..
6. If not, to what relief the concerned workman is entitled to ?	Does not Survive
7. What Award ?	As per final Order.

REASONS

2. In a nut shell it can be said that the worker and other company workers were charge sheeted on 19-12-89. They were charged for committing serious misconduct namely Go Slow Policy. As there were so many workers the departmental enquiry could not be started and completed simultaneously. The enquiry is against Gajja the present worker, was started and completed and he was found to be guilty.

Ultimately the disciplinary authority dismissed him from services.

3. Devi Shankar Gajja (Ex. '21') affirmed that the management had a prior motive to victimise him by way of revenge. It had adopted the discriminatory attitude in the singling out him, that he was not given a Show Cause Notice prior to dismissal, that a copy of the enquiry report was not given, that the appeal which was filed by him was not considered and while awarding the punishments his past record was not taken in to consideration. All these allegations were denied by N. K. Seth (Ex-23), the Deputy Personnel Manager. He affirmed that the enquiry is against the other workers who were charge sheeted could not be completed as one of the worker went in to the Labour Court at Chandrapur and obtained stay. He raised a question regarding the applicability of the standing orders. The issue being material the management thought it fit that till that matter is decided they should not proceed with the enquiry in respect of other workers. He affirmed that so far as other two workers against whom the enquiry was started it met with the same fate. It is well settle law that when there is an allegation of victimisation the burden is on the person who makes such allegation. From the testimony of Ravi Shankar it cannot be found that the management had the motive to victimise the worker. It has to be said so because it is not only Ravi Shankar who was charged for the action of Go Slow but the other workers also. As far as the discriminatory attitude is concerned I have already observed above that no such discrimination had taken place while conducting the enquiry.

4. It is the contention of Ravi Shankar that he should been given a second Show Cause Notice prior to his dismissal. He had not come with any rule or a provision by which such a notice is required to be given. It is argued on behalf of the management that clause 13 of the certificate stating Arrears Profits that the workmen may be warned, suspended or fined or his increment may be stopped and he may be admitted or dismissed without notice if here is found to be guilty of misconduct. It is therefore rightly argued that the action of the management cannot be said to be violation of any rule. In fact once I have come to the conclusion that the enquiry which was held against the workmen was as per principle of Natural Justice. This workman has no merit. There was no written request on behalf of the workman for getting the copy of the enquiry report. Under such circumstances if there is any flaw of not giving the copy to the worker is not prejudiced him.

5. Devi Shankar affirmed that the preferred the appeal against his dismissal. In the cross-examination it has come on the record that the appeal which was filed by him was not before the proper authority. If this is so it cannot be said that he preferred the appeal, against the order of dismissal. Naturally all the contentions raised in respect of the appeal, has no merit.

6. It is tried to argue on behalf of the workers that the punishment which was awarded to him was disproportionate to the charges proved. On the other hand the learned Advocate for the management argued that the nature of misconduct which was held to be proved was of a very serious nature. "Go Slow" had continued for seven days causing severe loss to production. The impact on the management due to the conduct of the worker was of a severe nature. I therefore find that the punishment which was awarded to the workmen cannot be said to be disproportionate.

7. It is argued that even then the previous record of the workers should have been taken into consideration while awarding punishment. No doubt the record of the worker while awarding punishment is normally seen. But when there is a case of serious misconduct then in that case the previous conduct is no merit.

8. The enquiry officer had given cogent reasons for coming to his findings that the charges are proved against the worker. From the testimony of Ravi Shankar it reveals that worker admitted the charge that he was guilty for the action namely "Go Slow" but according to him there are many others along with him. As this is the position I did not find that the action which is taken by the manage-

ment against the worker is illegal and unjustified. Their might by many other cases where the workers had done misconduct such as "Go Slow" due to the threats of the other workers or the union leaders. In that case even if the charges are held to be proved the punishment might be different. It depended on the facts of each case. Here there is no evidence warranting a lesser punishment to the workmen. There is no evidence to suggest that the action which is taken by the management is illegal and unjust. In the result I record my findings on the issues accordingly and pass the following Order :

ORDER

1. The action of the management of Sub Area Manager, Chanda Rayatwari, Sub Area of Western Coal Fields Ltd. P.O. and DT. Chandrapur (MS) is legal and justified in dismissing Shri Devi Shankar S/o Gajja loader w.e.f. 30-12-1989.
2. No Order as to Costs.

S. B. PANSE, Presiding Officer

नई दिल्ली, 18 दिसम्बर, 1995

का.आ. 100.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एल.आई.सी. और इण्डिया के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-95 को प्राप्त हुआ था।

[संख्या एल-17012/48/91-आई.आर.बी. 2]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 18th December, 1995

S.O. 100.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of L.I.C. of India and their workmen, which was received by the Central Government on 15-12-1995.

[No. L-17012/48/91-IR (B-II)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT PANDU NAGAR KANPUR

Industrial Dispute No. 1 of 1992

In the matter of dispute :

BETWEEN

Bakukekhar Dutt Singh
Mohammad Mohhadipur
Near Labour Colony
Gorakhpur.

AND

Zonal Manager

Bhartiya Jeevan Bima Nigam
M.G. Marg Kanpur.

AWARD

1. Central Government, Ministry of Labour, vide its notification No. L-17012/48/91-IR (B-II) dated 31-12-91 has referred the following dispute for adjudication to this Tribunal—

"Whether the action of the Zonal Manager, Life Insurance Corporation of India, Kanpur, in terminating the

services of Sri. B. D. Singh Development Officer, Gorakhpur, City Branch No. 11 w.e.f. 1-6-83 vide his orders dated 3-3-83 is legal and justified? If not to what relief the workman concerned is entitled?"

2. In his claim statement concerned workman B. D. Singh, has alleged that earlier he was appointed as Probationary Field Officer on 25-1-62. Later on he was confirmed at the post of Development Officer on 24-6-65. It is further alleged that some times in 1974-75 he had some property dispute with neighbours and as a result of which he was arrested in 1981. For this reason he was wrongly placed under suspension with retrospective effect. Further in order to dispense with the services of the concerned workman he was issued a show cause notice on 15-6-82 for poor performance in the appraisal year 1980. The concerned workman submitted his reply on 30-9-82 informing that because of property dispute he could not devote much time towards his duties and undertook to give his performance in accordance with his requirement. Being not satisfied with this explanation, the services of the concerned workman were terminated w.e.f. 3-3-83. It is alleged that this termination order is bad as no domestic enquiry was held at all against him to prove his case and further retrenchment compensation and notice pay was not given to him.

3. The opposite party Life Insurance Corporation of India, has filed written statement in which suspension of the concerned workman has been sought to be justified with which we are not concerned here. It is also alleged that there was need for domestic enquiry where the termination was made in terms of employment order because of poor performance in a particular year. The concerned workman has failed to give minimum required performance under Scheme of Work Norms 1976. Any way the concerned workman was given an offer in March 1983 for appointment in class III category but he failed to avail of it. Hence on this score too the concerned workman cannot challenge the termination order. By way of amendment it was alleged that the concerned workman did not fall within the definition of workman as such this reference is bad in law.

4. The concerned workman has filed rejoinder in which factual pleas raised in the written statement has been denied.

5. First point which falls for consideration is as to whether B. D. Singh is a workman as envisaged by section 2(s) of I. D. Act. There is no dispute that he held the post of Development Officer. In the case of S. K. Verma Versus Mahesh Chandra 1983 FIR 313 the Development Officers of Life Insurance Corporation was held to be the workman, under the above provisions. I have gone through the contents of this authority as well as the evidence of B. D. Singh regarding nature of work which he was performing. Further I have gone through Ext. W-1 appointment letter which lays down the terms and conditions of service. I find that the terms and conditions and nature of service of the concerned workman is analogous to that of S. K. Verma in the above mentioned authority. Hence principle laid down in the above mentioned authority will apply with full force and as such on this basis alone it is held that B. D. Singh is a workman as envisaged by Section 2(s) I. D. Act. According to this contention on behalf of the management of Life Insurance Corporation of India, is over ruled.

6. Now the next question is as to whether holding of regular enquiry was necessary preceding termination of service of the concerned workman. The termination order is Ext. M-11 dated 3-3-83 clearly goes to show that concerned workman was punished because of poor performance in the appraisal year 1980. There can no manner of doubt that termination of service is major punishment. Para 39(2) of Staff Regulation 1960 reads as under —

No order imposing on an employee any of the penalties specified in clause (b) to (g) of sub-regulation (1) supra, shall be passed by the disciplinary authority specified in Schedule I without the charge or charges being communicated to him in writing and without his having been given a reasonable opportunity of defending himself against such charge or charges and of showing cause against the action proposed to be taken against him.

A perusal of the above provision would go to show that holding of unadjudged domestic enquiry is necessary before imposing the punishment or termination which is a major punishment. The authorised representative of L.I.C. has sought to wriggle out from this provision by arguing that if termination/dismissal order is based in terms of appointment letter there is no need to hold enquiry. I do not agree with this contention. Even if termination order is to be passed in terms of conditions of service still before imposing major punishment holding of regular enquiry is a must. This was laid down in the case Anoop Jaiswal versus Government of India 1964 (40) F.T.R. This ruling also negatives the contention of authorised representative of Life Insurance Corporation of India that when show cause notice has been given there was no need to hold enquiry. In this case a civil servant was on probation. His work and conduct was not found to be satisfactory, hence after issuing show cause notice he was discharged from service. It was held that issuance of show cause notice was not enough. The civil servant ought to have been given opportunity to prove his innocence. For the party of reasons, I think in the instant case issuance of show cause notice was not sufficient. A fullfledged enquiry as envisaged in para 39(2) of Staff Regulation ought to have been held. In its absence, the termination order is illegal.

7. It was also submitted by the authorised representative of the management that since in his explanation the concerned workman had admitted that performance was poor. There was no need to hold enquiry as when employee admits his mistake there is no need to hold regular enquiry. I do not agree with this contention. In the first place there was no outright admission of misconduct. Instead he had given explanation for low performance. He was entitled for opportunity to prove the circumstances under which he could not give the required performance. Further in any case admission is a piece of evidence which could have been used in the regular enquiry itself. It is no way would dispense with the necessity of holding regular enquiry.

8. It was urged on behalf of management that the reference is belated and as such the concerned workman is not entitled for an relief. I do not agree with this contention. The well settled law is that in the absence of any explanation for the delay at the most the workman will not be entitled for back wages for the period delay remains unexplained. Since in this case delay has not been explained the concerned workman would be entitled for back wages from the date of reference.

9. It was also urged that the concerned workman was given option for clause III job in 1983 which he did not avail. In my opinion, this offer in no way will affect the validity of reference and decision on other points involved in this reference.

10. In the end my award is that the termination of the concerned workman from service is not justified and as such the concerned workman is entitled to be reinstated in service with back wages from the date of reference. The concerned workman shall also get Rs. 100 as costs of the case.

11. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

Dated : 1-12-1995.

नई दिल्ली, 19 दिसम्बर, 1995

का.आ. 101.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एल.आई.सी. ऑफ इण्डिया के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार की 15-12-1995 को प्राप्त हुआ था।

[संख्या एल-17012/2/88/-आई.आर.बी. 2]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 19th December, 1995

S.O. 101.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of L.I.C. of India and their workmen, which was received by the Central Government on 15-12-95.

[No. L-17012/2/88-IR(B-II)]
BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE: SRI B. K. SRIVASTAVA PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 63 of 1989

In the matter of dispute between :

Sri Nagesh Prasad,
New Yojna Market,
Shivrajpur
KANPUR
AND
Regional Manager,
Life Insurance Corporation of India,
16/98, Mahatma Gandhi Marg,
Kanpur.

AWARD

1. Central Government, Ministry of Labour, vide its notification no. L-17012(2)/88-D(B)/IR (Bank-1) dt. 1-3-1989 has referred the following dispute for adjudication to this Tribunal—

“Whether the action of the management of Life Insurance Corporation of India in terminating the services of Shri Nagesh Prasad Srivastava w.e.f. 1-12-86 and in not regularising the workman in their service as Assistant/Typist with consequential benefits is justified? If not to what relief is the workman entitled?”

2. It is admitted fact that the concerned workman Nagesh Prasad Srivastava was given an appointment for 85 days w.e.f. 28-5-85 by opposite party Life Insurance Corp. of India.

3. The case of the concerned workman is that after expiry of 85 days he continued to work with the opposite party till 1-12-86. In this way he had rendered services for 553 days. The opposite party did not regularise him on the request. Instead by earlier order dt. 1-12-86, his services were dispensed with, without notice pay and retrenchment compensation. As such this termination is illegal under section 25F I.D. Act. Further the concerned workman was not given opportunity for employment when fresh hands were taken.

4. Opposite party has filed written statement in which it has been alleged that after expiry of 85 days the concerned workman was never employed. Instead he was given contract work as is usual taken from outsiders on payments according to per page. In this way he did not remain an employee of opposite party after his expiry of 85 days. Hence question of his regularisation and termination did not arise. Compliance of section 25F I.D. Act, was also not required. By way of application it was also alleged that identical matter has been referred to by Government of India, on all India basis hence the present reference has become infructuous.

5. The concerned workman has filed rejoinder in which he has denied the allegations.

6. My learned predecessor had framed three preliminary issues which were answered by me on 27-3-95 which shall form part of my award.

7. Now the first point which needs consideration is as to whether the workman continued after expiry of 85 days. In this regard the concerned workman has given his evidence. On affidavit he has also been cross-examined. The gist of his evidence is that he continued to remain in employment. This

fact has been denied by Ranjit Prasad Singh Higher Grade Assistant of the opposite party. There are documents which in unmistakable terms would indicate that concerned workman did not remain in employment after expiry of 85 days. Ext. M-2 is that application dt. 20-9-86 given by the concerned workman to the opposite party by which he has made a request to Life Insurance Corporation of India to enhance the rate of typing paper per page to 70 paise. In his statement the concerned workman has admitted the genuineness of this document but has not explained as to how he has asked to increase of typing charges. In normal course an employee of opposite party would not made such request as he got wages. Question of payment to him per page does not arise at all. In normal course such claims are made by outsiders. Again Ext. M4 to M-15 are payments of the concerned workman ranging from 23-1-86 to 28-11-86 which go to show that the concerned workman was paid typing charges as are given to an outsiders per page. The concerned workman has admitted this fact in his cross-examination. Once again, I am of the view, that an employee of Life Insurance Corporation of India would not have received payments in such manner as he would have received money by way of monthly wages or as daily rated worker. In the absence of any elegant explanation as said earlier these papers go to show that concerned workman was working as an outsider to do type work subject to payment per page. Hence he did not remain in employment of the opposite party after expiry of 85 days.

7. It was argued by concerned workman that he did all typing work in LIC premises and stationery was also provided to him by the LIC. There is no evidence in this regard. Further this fact is required by the above mentioned document relied upon by the opposite party. Hence this contention is negatived.

9. In the end it is held that the concerned workman did not remain in employment of opposite party LIC after expiry of 85 days from 26-5-85. Hence question of his illegal termination vide order dt. 1-12-86 and regularisation in service does not arise at all.

10. Hence my award is that he is not entitled for any relief. Reference is answered accordingly.

Let six copies of this award be sent to the Government of India Ministry of Labour, New Delhi, for its publication.
Dt. 28-11-1995

S. K. SRIVASTAVA, Presiding Officer

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, PANDU NAGAR KANPUR

Industrial Dispute No. 63 of 1939
Nagesh Prasad Srivastava—Workman

AND

Life Insurance Corporation of India—Management.
Order on Preliminary Issues/27-3-95

Nagesh Prasad Srivastava, was an employee of the employer Life Insurance Corporation of India. He had raised the dispute regarding his termination vide order dated 1st December, 1986 and also of regularisation through the Union Central Zonal National Life Insurance Employees Association.

2 The employer had filed written statement in which it was inter alia alleged that Central Government has already made a reference to Central Government Industrial Tribunal-cum-Labour Court New Delhi regarding absorption of the employees who were employed after 20th May, 1985. As such the present reference has rendered infructuous. It also appears that during the course of pendency of the present reference, Central Government had issued a corrigendum by which the dispute was converted into individual one pointing out the name of concerned workman u/s. 2-A of the I.D. Act. It has been alleged that this corrigendum was had in law. Lastly it was alleged that the Union of the workman and he himself had filed S.L.P. No. 14906 of 88 before Hon'ble Supreme Court as such the present reference has been rendered as infructuous. Accordingly my learned predecessor has framed three preliminary issues :

- 1 Whether there has been any reference to COIT-cum-LC as alleged in para 7 of the preliminary objection raised in the u/s. by the management? If so, whether the present reference has become infructuous?
2. Whether the corrigendum by means of which the Central Government made the workman a party to the dispute is illegal? If so, its effect?
3. Whether the workman has filed Civil petition No. 1790 of 89 on behalf of 40, are of LIC for impleading the union as a party in I.D. No. 14006/88 before Hon'ble SC. If so, its affect?

FINDINGS

Issue No. 1 :

According to own allegation of the employer the matter before CGIT-cum-Labour Court relates to absorption whereas in the instant case the main point for determination is about the illegal termination of the concerned workman. As such the two references cannot be said to be the same. In view of this matter it cannot be said that the present reference has been rendered infructuous.

Therefore, the issue No. 1 is decided against the employer.

Issue No. 2 :

In my opinion this Tribunal has no jurisdiction to determine the illegality or legality of the corrigendum issued by the Central Government. If the employer thought that such corrigendum is illegal it will be open to them to plead the case before the High Court. Therefore, the issue No. 2 is left undecided.

Issue No. 3 :

I have waved through the file. I am unable to find the copy of SLP No. 14906/88. In its absence it is not possible for this tribunal to ascertain to actually what was the subject matter of issue of the above mentioned SLP. If the employer actually desire that findings should be recorded in this issue they ought to have filed the copy of the memorandum of SLP, which has not been done. In its absence, I decide the issue against the employer.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 19 दिसम्बर, 1995

का.आ. 102.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ महाराष्ट्र के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण-2, बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-12-1959 को प्राप्त हुआ था।

[संख्या एल-12012/262/91-आई.आर. (बी. 2)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 19th December, 1995

S.O. 102.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-2, Bombay as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bank of Maharashtra and their workmen, which was received by the Central Government on 18-12-1995

[No. L-12012/262/91-IR (B-II)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 2, BOMBAY

PRESENT :

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2/20 of 1990

Employers in relation to the management of Bank of
Maharashtra

AND

Their Workmen.

APPEARANCES :

For the employers—Mr. R. G. Londhe, Representative.
For the workmen—Mr. Vinayak D. Karmarkar Representative.

Bombay, the 5th December, 1995

AWARD

The Government of India, Ministry of Labour by its letter No. L-12012/262/91-IR (B-II) dated 26-3-92 has referred to the following Industrial Dispute for adjudication.

"Whether the action of the management of Bank of Maharashtra in relation to its Sinnar Branch in dismissing the services of Shri Bharat Nivrutti Barde, sub-staff is justified? If not, to what relief the workman is entitled to?"

2. B. N. Barde the worker was working as a sub-staff at Sinnar Branch of District Nasik of Bank of Maharashtra since 1984. There is a housing loan scheme for the welfare of the employees to provide them residential accommodation at a concessional rate of interest. The worker was to purchase the house property by availing housing loan from the bank under the housing loan scheme applicable to the employees of the bank. He was to purchase the house belonging to one Shri Savla Genu Kanwar a close relative of the worker.

3. The worker pleaded that later on he was charge sheeted by the management on 3-4-89. He was charged to have a housing loan with a misrepresentation knowing fully well that Savla Genu owner of the property expired long back. He was also charged of having remained unauthorisedly absent during 14-3-89 and 17-3-89. The charge was that he kept the bi-cycle of the bank with him in his leave period and when he handed over the cycle it was found in damaged condition. The fourth charge was that he introduced one Namdeo Kunwar as if he was Shri Savlaram Genu Kumar while he opened an account in the Bank of Baroda, Sinnar. At that time he was well aware that he had made false representation.

4. In a departmental enquiry the workmen was not given a fair opportunity to represent his case. It is asserted that the principles of natural justice were not followed. It is averred that he was not given an opportunity of hearing in respect of the proposed punishment. It is submitted that his appeals were not considered properly. Sum and substance of the cases of the worker is that the domestic enquiry which was held against him was against the principles of Natural justice.

5. The worker pleaded that the punishment which is awarded to him even if charges are held to be proved is disproportionate. He pleaded that due to the undue influence of the officials of the bank he pleaded guilty to the charges. It is submitted that other workers who committed the same misconduct were treated with a lesser punishment and not dismissed. It is proved that any other punishment may be awarded to the worker with other reliefs.

6. The management resisted the claim by the W.S. Ex-31. It is averred that domestic enquiry which was conducted against the workmen was as per the principles of natural justice. It is denied that using undue influence the plea of guilt was obtained from him. It is contended that the punishment which is awarded to the worker is just, legal

and proper. It is prayed that under such circumstances the Tribunal need not interfere with the punishment awarded to the worker.

7. The union on behalf of the worker filed a rejoinder at Ex-41. They reiterated the allegation made in the statement of claim.

8. The issues that fall for my consideration and my findings there on are as follows :

ISSUES

FINDINGS

- | | |
|--|--------------|
| 1. Whether the domestic enquiry held against the worker was against the principles of natural justice ? | No. |
| 2. Whether the action of the management of Bank of Maharashtra in dismissing the services of the worker Barde sub-staff is justified ? | No. |
| 3. If not what relief the workman is entitled to ? | As per order |

REASONS

9. The workmen has not entered into the witness box nor produced any documents in evidence to establish that the domestic enquiry which was held against him was against the principles of natural justice. Vinayak D. Karmarkar (Ex-11) the General Secretary of the union deposed regarding the discrimination shown to the worker. But as far as the domestic enquiry which was held against the workmen was concerned he was neither representing the worker nor he was present there when the domestic enquiry was conducted. In other words his evidence is no help to the worker for coming to the conclusion that the domestic enquiry which was held against the worker was not in accordance with Bi-partite settlement and is against the principles of natural justice.

10. It is rightly argued on behalf of the Management that as there is no evidence on behalf of the worker to show that the enquiry was not proper, it has to be held that it was a proper enquiry. It is needless to say that when the person alleged a particular fact the burden to prove that fact is on that person. Here the worker alleged that the inquiry was not proper, then he has to prove the same. He failed to do so. Under such circumstances I come to the conclusion that the enquiry was proper.

11. Vinayak D. Karmarkar (Ex-11) affirmed that as the Union Secretary he is aware of the fact that there were enquiries against one Dhimate sub-staff of Mancharr and one Katala, Clerk, Ambejogai branch who were issued charge sheet for misutilisation of the housing loan facility. In these cases the charges were proved and there was a punishment ranging stoppage of two increments to 4 increments and recovery of housing loan on a commercial rate of interest. It is pertinent to state that in the cross-examination nothing has come on the record to disturb this position. It is tried to suggest to him that the charges which were levied against these workers were different than that of the present worker. He denied that suggestion. If really there would have been major difference of charges between the present workers and those two workers then the management would have produced necessary documents on the record. They are in the custody of the same. As they are not produced I find substance in the testimony of Karmarkar.

12. It is not in dispute that there were four charges against the worker. The major charge appears to be of housing loan. It is not that he received that amount, but when the payment was to be made the fraud which the worker tried to do came on the surface. Therefore the payment was not made at all. Naturally the bank was not put to loss. So far as other charges are concerned on the plea of guilt they are held to be proved. From the testimony of Karmarkar those two workers were facing the charges of disutilisation of housing loan facility. It appears to me that in these cases the loan was taken for a particular type of housing and was used for other purpose. Here the charge is slightly different. There are additional charges also.

13. It is tried to argue on behalf of the union that the punishment which is awarded to the worker is disproportionate to the charges proved. On the other hand it is argued on behalf of the management that the punishment which is awarded is perfectly proper and legal. It is submitted that under such circumstances it should not be disturbed. For the reasons stated above I find that the punishment which is awarded to the worker is disproportionate. It is discriminatory. I do admit that when there are two cases there are slight differences in each case. Normally two cases cannot be identical. As record of these two cases is not on the record and from the argument which is advanced on behalf of the union I find there is some difference between two cases. Here there are four charges against the worker but in these cases there appears to be only one charge. The other charges appears to be not that severe, warranting a dismissal. To meet the needs of justice if the worker is reverted back to his original pay scale i.e. first date of joining without giving him any seniority and other monetary benefits will meet the ends of justice. In the result I pass the following order.

ORDER

1. The action of the management of Bank of Maharashtra in relation to its Sinnar Branch in dismissing the services of Shri B. N. Bharde sub-staff is not justified.
2. The Management is directed to reinstate the worker within three months from today.
3. The worker is to be reinstated without any continuity in service. The worker is not entitled to any monetary benefits from the date of his dismissal till reinstatement.
4. The worker is reinstated at the initial salary of the sub-staff.
5. No order as to costs.

S. B. PANSE, Presiding Officer

नई दिल्ली, 19 दिसम्बर, 1995

का.या. 103—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यको बैंक के प्रबंधन के सदस्य नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, 2 बम्बई के पन्पट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-12-1995 को प्राप्त हुआ था।

[संख्या 12012/110/83/डी 11 प/ग्राई. प्रार. की 2]

अजय सिंह, डेस्क अधिकारी

New Delhi, the 19th December, 1995

S.O. 103.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Bombay as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of UCO Bank and their workmen, which was received by the Central Government on 18th December, 1995

[No. L-12012/110 83-D.I.A./IR (B-II)]
BRAF MOHAN, Desk Officer

3151 GI/95—8

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 2, BOMBAY

PRESENTS:

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2/35 of 1989

(Old Reference No. CGIT 2 23 of 1985)

United Commercial Bank

AND

Their Workmen.

APPEARANCES:

For the Employers—Shri N. K. Mody, Advocate.

For the Workmen—Shri A. V. Bukhari, Advocate, Shri
K. S. Tomar, Advocate.

Bombay, the 22nd November, 1995

AWARD

The Government of India, Ministry of Labour by its order No. L-12012/110/83-D.I.A. dated 14th December, 1983 had referred to the following Industrial Disputes for adjudication.

"Whether the action of the management of United Commercial Bank, Divisional Office, Bhopal in relation to their Branch Naya Bazar, Lushkar Gwalior in not revising the date of birth of Shri Bhoop Singh in their own records from 2nd September, 1929 to 8th March, 1982, is justified? If not, to what relief is the workman concerned entitled?"

2. This reference has an octopus history. My predecessor first decided the Reference ex-parte. Then on the petition of the workman Shri Bhoop Singh he set aside the matter. Thereafter on 31st December, 1985 he passed an Award and rejected the claim of the first party Shri Bhoop Singh. Being aggrieved by that decision the Union for Bhoop Singh filed a Writ Petition No. 832/86 at High Court of Madhya Pradesh. His Lordship was pleased to allow the Writ and remanded the Reference for trial to this Tribunal. I must mention it here that meanwhile on interim orders also the parties approached in the High Court to get the redress. Initially the Reference was made to Central Government Industrial Tribunal at Madhya Pradesh, but later on it was transferred to Bombay. In this process also it took considerable time. A commissioner was required to be appointed for examination of the witnesses.

3. The workman Bhoop Singh was appointed as an Office Boy in the Naya Bazar Branch of the United Commercial Bank w.e.f. 1st April, 1988. In the very next year he was promoted as a Peon and in 1984 as a Daftry. This followed by another promotion as Despatcher-cum-Typist in the year 1968. Bhoop Singh then was promoted as Clerk in the year 1976 and then as a Special Assistant on 1st July, 1980. Then he was promoted as a Field Officer and when he was retired he was a Manager.

3. The grievance of the workman is that sometime in the year 1962 he came to know that in the Bank's record his date of birth is wrongly noted as 2nd September, 1929. In fact, according to him his real birth date is 8th February, 1932. He attempted to rectify the Bank record in 1962. His application was rejected. He again made a representation but it was not replied at all.

4. The workman contended that in the year 1980 the Management issued a circular information the employee that if there is any mistake in the birth date in the Bank's record the employee should make a representation with a proper proof to correct the same. It is averred that in this circular it was also mentioned that earlier application of the applicants even though rejected can also file fresh applications. On its basis the workman again filed an application justifying his claim on the basis of the School Leaving Certificate and other certificates of different authorities showing his birth date as 8th February, 1932. But his application was not considered. No reasons were given for rejecting the claim. He,

therefore, raised industrial dispute. It resulted into the present reference.

5. The Bank has refuted all the allegations. Shortly stated the case of the Bank is that the entry in the Bank's record regarding date of birth of the employee was on the strength of the information furnished by the employee himself at the time of entry into the Bank's service when he also furnished the requisite information for preparing the Provident Fund form from where the same date was reiterated. It is averred that before joining the Bank the employee worked with Bharat Bank for about one and a half years. It is submitted that if the contention of the employee is to be accepted it would tantamount to mean that at the time of his joining the Bharat Bank he had not even completed 15 years of age which can never be true. Therefore, the very fact belies his contention regarding the incorrect entry. It is averred that the employee cannot be termed as a worker within the meaning of Section 2(s) of the I.D. Act on the day the Central Government made the present reference. As such, the Tribunal is not competent to entertain and decide the present Reference. It is averred that the entry in the Bank's record regarding the birth date of the employee was made on the representations of the workman himself which was a voluntary one and now the workman is not entitled to any change in it. It is submitted that under such circumstances the Reference may be answered in favour of the management.

6. My Learned Predecessor framed issues on 27-12-1989. The issues and my findings thereon are as follows :—

Issues	Findings
1. Whether Shri Bhoop Singh was a 'work-man' within the meaning of Section 2(s) of the I.D. Act on the day the Central Govt. made the present Reference ?	Does not survive.
2. If not, whether this Industrial Tribunal is competent to entertain and decide the present Reference ?	Does not survive
3. Whether the workman Shri Bhoop Singh proves that his correct date of birth is 8-2-1932, and not 2-9-1929 as recorded in the Bank record ?	Yes.
4. Whether the Bank management proves that the employee Shri Bhoop Singh voluntarily declared his date of birth as 2-9-1929 when he was appointed as a peon in the Bank in April 1948 ?	No.
5. In case the correct date of birth of the said employee is found to be 8-2-32 to what relief he is entitled ?	As per final Order.
6. What award ?	As per final Order

REASONS

7. My predecessor decided the Reference against the employee, on 31-12-1985 (Ex. 82). By the said Award it came to the conclusion that employee was the workman within the meaning of Section 2(s) of the Industrial Disputes Act and so far as the other claims of the effecting the change in the birth date was concerned the same was rejected. Being aggrieved by the said decision he filed a writ Petition No. 832 of 1986 before the High Court of M. P. His Lordship decided the matter on 25-8-1989 (Ex. 85).

8. Relying on the judgement of the High Court it is tried to argue on behalf of the union that the issue regarding whether Bhoop Singh was a workman within the meaning of the Industrial Disputes Act was decided finally by the High Court and therefore issues no. 1 and 2 do not survive. As against this the Learned Advocate for the Management argued that it is not so and the facts of the record clearly go to show that when the Reference was made Bhoop Singh was not the workman within the meaning of Industrial Disputes Act. I am inclined to accept the submission of the Union of Bhoop Singh for the reasons given in the judgment of the High Court. While deciding the matter Their Lordships in one para has observed :—

"Before us also Shri Mody raised faint objection that 2nd petitioner Bhoop Singh being not a workman he is not entitled to hearing in this matter. In regard to that sufficient so say that the objection has been rightly rejected by the Tribunal in para 8 of the impugned Award."

Thereafter, His Lordship discussed the authorities cited by the Advocate of the Management and further observed :

The Awards is accordingly quashed. The matter is remanded to the Tribunal for reconsideration and for fresh decision to be rendered in the light of observations made herein above."

The observations which were dealing to the discussion of my predecessor for maintaining the date of birth in the Banks record to be correct one was held to be incorrect. The reason was also given for the same. In other words His Lordship set aside the reasoning for refusal to correct the date of birth in the Bank's record but accepted the other reasons. As that is so I do not find any justification in the contention raised by the management that when the Reference was made Bhoop Singh was not a worker. Under such circumstances it is not necessary to discuss this issue again.

9. Bhoop Singh affirmed that his date of birth is 8-2-1932. To substantiate this contention he had produced different certificate showing his date of the birth to be 8-2-1932. He affirmed that when he joined the service of the Bank the forms were signed by him but he deny that the contents therein are in his handwriting. In other words he deny that the date of birth viz., 2-9-29 mentioned in these form were declared by him. The witnesses of the Bank viz., Karvande and Jain had not affirmed that the workman himself told that date to them when the form was filled. In fact they were not in that Branch when Bhoop Singh got the employment.

10. Bhoop Singh affirmed that there was a practice of appointment of a minor in the Bank, Life Insurance and other Departments. He joined the service on 1-4-1948. He was appointed as an Office Boy. The entry in the Service Record Folder G-28 was made as Office Boy. That position continued upto 1-5-1949. On this date he was designated as a Peon in place of Office Boy. From the Record it reveals that the salary of Office Boy was less than that of a Peon by Rs 15 p.m. There is no explanation why there was such a difference of pay between these two cadres. It is not that on attaining the majority initially appointed Office Boy is appointed as a Peon. Such a type of explanation has not come on the record.

11. Bhoop Singh affirmed that as he was a minor when he was appointed as an Office Boy. A letter No. 190/48 dated 9-6-1948 (Ex. 19) issued by Branch office, Naya Bazar, Gwalior also mentions about the salary of a Peon which says that Hiralal, Peon was drawing a salary of Rs. 45 p.m. This supports the case of Bhoop Singh that there was a difference of pay between office boy and a Peon.

12. Apart from service record folder G-28 the Bank by its letter no. S-285 dt. 22-12-1948 (Ex. 92) and another letter dt. 1-6-1977 (Ex. 74) accepted Bhoop Singh as an Office Boy. It is mentioned in Ex. 92 that recommendation to promote Bhoop Singh, Office Boy as a full-fledged Peon—In another letter (Ex. 74) it is mentioned that Bhoop Singh was originally appointed in the Bank as a Office Boy in April, 1948. In other words it has to be accepted when Bhoop Singh was appointed when he was a minor and was appointed as an Office Boy. C.S. Maheshwari the witness for the workman supports the case of Bhoop Singh. He states that he was appointed as an Office Boy and not as a Peon as he was minor. He could not give the names of others but asserts that there was such practice. It is tried to suggest that such Office Boys were appointed to do the work at the residence of the Officers of the Bank and minor work in the Bank.

13. Bhagwan Das (Witness for the workman) affirmed that he joined the service of the Oriental Government security Life Insurance Co. Ltd. when he was a minor. It was a post of an Office Boy. His statement was not challenged.

14. It is tried to argue on behalf of the workmen that in Govt., there was a practice for appointing the minors below the age of 16 in a service by qualifying service issued by Government of India Chapter III (Sec. III). It is observed: "In the case of Government servant in Class IV service or a post who held a lien of suspend lien on a permanent pensionable post prior to 17-4-1950 service rendered before attaining the age of 16 years shall not account for any purpose. In hand book of postal account it is observed that service rendered before the age of 16 or 18 as the case may be is termed as Boy service and is ignored in the calculation for qualifying service.

15. It is not in dispute that before joining the service of this Bank Bhoop Singh served in Bharat Bank for about 14 years. On its basis it is tried to argue on behalf of the management that he was then 14½ years. That cannot be possible. It is therefore tried to submit that the date of birth which is in the Bank's record is correct one. I am not inclined to accept this submission for the above discussion. In those time it appears that there was a practice of appointing minors as Office Boy and later in absorbing them in a regular service. So is the case with Bhoop Singh. He was appointed as an Office Boy when he was a minor and then was taken as a Peon and then on merit he proceeded to achieve different promotions.

16. Hemant Kumar Shukla, the Head Master affirmed in respect of the genuineness of the School Leaving Certificate dated 23-7-1943 and School Certificate dated 15-9-1986 (Ex. 104 and Ex. 100 respectively). Shukla affirmed that the certificate is issued on the basis of the official entry made in the School Register No. 6. He further affirmed that the date of birth of Bhoop Singh at Sr. No. 15 of the School Leaving Certificate is 8-2-1932. He affirmed this on the basis of the original register. It is pertinent to note that the other certificates having the date of birth is on the basis of the School Leaving Certificate. There is no reason why the testimony of the Head Master Shukla is to be discarded. The genuineness of the certificate is proved, the birth date mentioned thereon to be 8-2-1932 has to be accepted as correct date.

17. It is tried to argue on behalf of the management if Bhoop Singh would have declared his correct birth date when he was appointed he would not have given the employment. I find to merit in it. Because from the earlier discussion at the relevant time there was a practice of appointing Office Boy. Even if it is to be accepted that there was no such practice I am not inclined to accept that entry in respect of birth date which was made at that time cannot be changed later on. He may face consequences for giving wrong birth date. But that does not mean that the incorrect date mentioned therein has to be continued.

18. Bhoop Singh affirmed that when he came to know regarding the incorrect date of birth in the Bank's record in the year 1962 he made representation for correcting the date. But his application was rejected. He again made representation in the same year but it was not replied. For the sake of argument even if it is said that representation was also rejected there was further proof to the workman due to the action of the management viz. a circular of the Head Office dated 28-7-1980 (Ex. 37/60). It states:

"All employees who were in the Bank's services as on 25-7-1980 and who had earlier submitted documents in proof of their date of birth pursuant to staff circular letter No. 29/55 dated 11th July, 1955 but whose case for change of date of birth had been rejected by Head Office shall be allowed again to produce satisfactory documentary evidence in proof of their date of birth. On production of documentary evidence mentioned above, Head Office shall reconsider their cases."

19. It is rightly argued on behalf of the workman that he was given an opportunity to make a representation for correcting the date. It is pertinent to note His Lordships while remanding the matter for fresh hearing had referred to this circular. The workman Bhoop Singh, to substantiate his case relied upon the entries made in (a) Matriculation Certificate, (b) School Leaving Certificate, and (c) Life Insurance Policy.

While rejecting the claim of the workman the authorities had not given due weightage to these certificates. If they would have done so they would have definitely corrected the date. It is argued that in a rejection letter dated 11-12-1981 the Divisional Manager, Bhopal Observed:

"Even though the source of verification of his date of birth has not been mentioned in his service record.

That itself support the case of the workman that the verification was not carried out.

20. It is tried to argue on behalf of the management relying on different authorities that the step which was taken by the workman for getting changed the date of birth is at the fag end of the service and could not be accepted. This submission cannot be accepted at all. It is because initially Bhoop Singh made representation in the year 1962. That was rejected. Again by a general circular each of the employee who was serving in that Bank and who noticed the incorrect entry of the Birth date in the Bank's record was entitled to make an application for correcting the same. Bhoop Singh followed that procedure. It is therefore, his action cannot be said to be belated.

21. The Learned Advocate for the management placed reliance on Union of India v/s. Kantilal Hemant AIR 1955 S.C. 1349 and Bachinath Sinha v/s. State of Bihar 1983 Lab. I.C. 162. Both these authorities are on different facts and for the above said discussion had no application at all. In fact in Kantilal's case there was delay and it was not explained at all. It is therefore His Lordship observed that the employee would not be entitled to any relief but in this case Bhoop Singh had taken many steps to correct the date of birth in the Bank's record promptly and as asked for. I may mention it here that the other authorities which the Learned Adv. for the management wanted to rely are on the point that once the management acted on the birth date mentioned in the Service Record at the fag end of the service the workman should not be allowed to change the same. But here in this case these authorities had no application at all because from the year 1962 the workman was trying to get the birth date changed. Not only that in the year 1980 the Bank had given an opportunity to the worker to get the entry which is incorrect in the Bank's record to be corrected. Therefore, these authorities had no application.

22. It is admitted position that the workman is now retired. His superannuation came to be effected on the basis of his birth date to be 2-9-1929. In fact, for the above said discussion his birth date should have been taken to be 8-2-1932 and on its basis he should have been retired. Naturally, he is entitled to all consequential monetary benefits. For the above reasons I record my findings on the issues accordingly and pass the following order:

ORDER

1. The action of the management of the United Commercial Bank at Divisional Office, Bhopal in relation to their Branch Naya Bazar, Laskar, Gwalior is not revising the date of birth of Shri Bhoop Singh in their own record from 2-9-1929 to 8-2-1932 is not justified.
2. The management is directed to treat the workman's birth date to be 8-2-1932.
3. The management is further directed to treat the workman to be in service on the basis of that birth date till superannuation and pay the workman all consequential monetary benefits.
4. The management is directed to pay Rs. 500 as the cost of this Reference to the workman and to bear its own.

S. B. PANSE, Presiding Officer

नई दिल्ली, 19 दिसम्बर, 1995

का.आ. 104.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार के प्रबन्धन के संबंध में निराकरण और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई न. 2 के पञ्चपद को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-12-1995 को प्राप्त हुआ था।

[संख्या पत्र-40012/134/92-आर्डी आर (डी.यू.)]

के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 19th December, 1995

S.O. 104.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Bombay No. 2 as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecom and their workmen, which was received by the Central Government on 18-12-1995.

[No. L-40012/134/92-IR (DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENTS :

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2/82 of 1993

Employers in relation to the management of Telecom Department, Nasik

AND

Their Workmen

APPEARANCES :

For the Employers—Shri P. M. Pradhan, Advocate.

For the Workmen—Shri H. Y. Deo, Advocate,
Bombay, the 1st December, 1995

AWARD

The Government of India, Ministry of Labour by its letter No. L-40012/134/92-IR (DU) dated 20-10-93 had referred to the following Industrial Dispute for adjudication.

"Whether the action of the management of Telecom District Manager, Nasik in terminating the services of Shri Raghunath K. Tipayale, casual Mazdoor without complying with provisions of Section 25-F of I. D. Act, 1947 is justified? If not, what is the relief to which the workman is entitled?"

2. Raghunath K. Tipayale, the workman of Nasik claims to be appointed on a sympathetic ground at Nasik Telecom District, Nasik, in the place of his elder brother Late Dagadu Tipayale. He died when he was on duty. The said appointment was from 1st April, 1985. He was appointed within fifteen days from the death of his brother.

3. The casual labourer, the worker was required to do various jobs like lifting of heavy telecom equipments from one place to other and digging trenches and pits on the roads, etc. He did his job sincerely. From the date of appointment till 31-5-87 he worked continuously for 771 days excluding the weekly offs and other holidays. He was paid regularly monthly salary though on the daily wage basis as per the rules and regulations of the Telecom. Infact the worker was engaged against the work of permanent nature. He was engaged as a casual labourer. It was done so with the intention to deprive him of the status and privileges of a permanent employee.

4. The S.D.O. Nasik gave one months notice to the workman vide his letter dated 30-5-87 and informed that his services were no longer required. It was also informed that he would be removed from the services w.e.f. 20-6-87. Again on 10-6-87 the S.D.O. Nasik gave another notice and informed that the earlier notice be treated as cancelled and the workman's one months pay is being paid to him by service money order. He was also informed that his services are terminated forthwith w.e.f. 10-6-87.

5. The workmen made representations to S.D.O. Nasik to consider his case. But it was of no use. Then he made representations to the Asstt. Labour Commissioner in the conciliation proceedings. The S.D.O. Nasik, informed the Asstt. Labour Commissioner that he is willing to appoint the worker as a casual labour under certain terms and conditions. By the said letter the Telecom was ready to appoint him when the work was available but his services would be terminated on completion of that term and the payment will be given on A.C.G. 17.

6. The workmen contended that his retrenchment is illegal. The Telecom Deptt. had not taken necessary permission from the appropriate Government u/s. 29-F of the Industrial Disputes Act of 1947. As there no compliance of Section 29-M of the Industrial Disputes Act the retrenchment is void. It is submitted that the work was available and as such the retrenchment was illegal. It is averred that the decision of the Telecom is Arbitrary and deserves to be set aside. It is prayed that under such circumstances the worker may be reinstated in service with full back wages and other reliefs.

7. The management repudiated the claim by the written statement Ex-3. It is averred that the policy decision was taken by the telecommunication Board, Deptt. of telecommunication wherein directives were issued by circular dated 30-3-85 to stop fresh recruitment to casual Labourers and as per the directives of the said circular the action has been taken on termination the services of the worker. It is denied that the workman was given appointment as a casual labour on compassionate ground. But he was engaged on humanitarian ground purely on temporary basis. At the time of engaging him he was informed that his engagement was on purely temporary basis as per the requirement of the department. It is denied that the worker was engaged as a casual labourer against the work of a permanent nature with the intention of depriving him the status and privileges of the permanent employee. He was engaged as a daily rate worker and was paid for the days he performed the work.

8. It is contended that the workman was removed as per the directions of the superiors after giving him one months salary. It is submitted that the management had followed the provisions of Section 25-M of the I. D. Act. It is averred that the offer which was made at the time of conciliation proceedings was not accepted by the worker. It is submitted that as the worker was paid one months wages as required under the law. As such retrenchment is legal and proper. For all these reasons it is submitted that the prayer which is made by the workmen may be rejected with costs.

9. The issues that fall for my consideration and my findings there on are as follows :

ISSUES

FINDINGS

- Whether the action of the management of Telecom District, Manager, Nasik in terminating the services of Shri Raghunath K. Tipayale casual Mazdoor without complying with the provisions of Section 2-F of the I. D. Act 1947 is justified? No
- If not what is the relief which the workman is entitled to? As per order

REASONS

10. Raghunath K. Tipayale (Ex-5) affirmed that he was appointed on a compassionate ground as a casual labourer on 1-4-1983 after his brother's death when he was on duty. Even though it is denied by the management that his appointment for some compassionate ground, that appears to be incorrect statement. Ex-4/2 is an order by which he was given appointment. It clearly speaks out that he was appointed on compassionate ground. The word which is tried to be used by the management "Humanitarian" is incorrect.

11. Raghunath affirmed that he worked for 771 days. This position is not disputed by B. K. Kaul (Ex-9) Divisional Engineer. The certificate to that effect is given by the competent authority as at Ex-4/1. In other words it is very clear that from 1-4-83 to 30-3-87 the worker worked for 771 days continuously. He is to be called in a continuous service as contemplated u.s. 25-1 of the Industrial Disputes Act of 1947.

12. Raghunath affirmed that initially he was given a notice dated 20-3-87 (Ex-4/2) by which he was informed that his services are no longer required by the Department. He was also informed that his name would be removed from muster role w.e.f. 20-6-87. Thereafter on 10-6-87 another notice (Ex-4/4) was addressed to him and he was informed that one month's wages are being paid to him by service money order. Raghunath affirmed that he had not received any money order. As against that Kaul affirmed that such a money order was sent by receipt No. 3306 dated 19-3-91 but he was not sure whether such amount was received by him or not. He affirmed that if he is directed he could produce the original documents relation to the payment. It can be seen that the management had to prove that such a payment was made. For that the burden was on them to produce the evidence. But no such evidence is produced. At the most from the testimony of Kaul it can be seen that money order was sent but there is no proof that the worker received it. Mr. Des the Learned Advocate for the worker vehemently argued that the best evidence which is in possession of the management is not produced to show such payment was made. It is therefore necessary that the adverse inference is to be drawn against them that no such payment was made. I find substance in this. There is no reason why the management has not produced the money order coupons to show that the payment was received by the worker.

13. The Learned advocate for the workman argued that there is non-compliance of Section 25-M of the I.D. Act. According to him Section 25-F is not applicable as there are more than one hundred workers in the Telecom division at a relevant time. It is also contended that in the statement of claim they have contended that there is non compliance of Section 25-M and in the written statement the plea which is taken by the management is that they have complied with Section 25-M.

14. Even for the sake of argument it is said that Section 25-F is applicable as per the terms of the reference. It has to be stated that the management had not complied with the same. It is because the termination was on 10-6-87. As per the testimony of Kaul the payment was set on 19-3-90. If that is so it has to be said it was not paid on the date of retrenchment. If that is so it has to be said there is non compliance of Section 25-F of the Industrial Disputes Act.

15. In Sved Azam Hussain in V. Andhra Bank Ltd. 1995 AIR SCW 1302 their Lordships have observed that one month's wages in lieu of notice not paid at the time of such retrenchment and paid subsequently. It amounts to non compliance of Section 25-F and the termination is illegal. From the ratio given in the above said authority it has to be said that the termination is illegal.

16. If the argument of the Learned Advocate of the workman has to be accepted that Section 25-N of the Industrial Disputes Act is applicable then in that case the worker was to be paid three months wages in view of the three months notice. Obviously there is no notice of three months nor payment of wages for three months. In other words Section 25-N is not complied.

17. It can be further seen that Section 25-N contemplates the prior permission of the appropriate Government or authority as may be specified by that Government by notification by the Official Gazette has been obtained on the application made in this behalf. According to the management they have acted as per the terms of their superiors and therefore there is compliance of this part of the Section I find substance in it.

18. It is not in dispute that Telecom District Engineer, Nasik, Telecom Dist. issued a circular dated 30-3-85 (Ex-6/1) in respect of recruitment of casual mazdoors. He so informed that in view of the circular issued by the Telecom dated 22-4-87 (Ex-6/2) no separate orders are required to be issued in respect of the worker. There is another letter dated 22-4-87 by which all the concerned were informed that there should not be any appointment of Casual Labourers after 30-3-85. On the basis of this letter the management had to take the action against the worker. The scheme was also prepared in view of the Supreme Court judgement in respect of granting of a temporary status and regularisation of Casual Labourers. It is produced along with Ex-6.

19. In Suresh Keshav Rao Guard v/s. Union of India and other. It is in 1980-95 (1) pg. 40 was a case wherein the Central Administrative Tribunal came to the conclusion that when the Casual Labourers who acquired the temporary status was terminated from services before the scheme for grant for temporary status and regularisation of Casual Services has come in to force w.e.f. 1-10-89 is entitled to relief to Squashing the termination. Here in this case the worker was terminated long back before the scheme came in to operation. He was a continuous worker. For the reason stated above and for the ratio given in the above said authority the termination has to be set aside and he was to be given a temporary status.

20. Raghunath immediately after his termination made a representation on 16-6-87 (Ex-4/5) to the management. He demanded reinstatement in service. But it appears that he was not given such a reinstatement. It is tried to argue on behalf of the workman that he made a representation again but there is no record to that effect. I am not ready to accept it. On 21-3-90 the worker addressed a letter to the Telecom Dist. Manager, Canada Corder, Sharanpur Road, Nasik-2 (Ex-4/6) and its copy was sent to the Asst. Labour Commissioner. The subject was Reinstatement with full back wages and continuity in service. The worker affirmed that he was not employed anywhere in the period and got any earnings for himself. There is no evidence or record to show that he was gainfully employed. In Vishrambhai Devibhai v.s. Union of India and Ors 1980-95 (2) pg. 95 his Lordship observed that when the termination held to be invalid the worker is entitled for back wages from the date of the filing of the application. In that case the worker did not raise a dispute immediately but had raised the same after about three to four years. His Lordship observed that in that case he is entitled to back wages from that date only. Here in this case also it can be seen that after making the representation to the management the worker kept quiet for three years and then made representation to management and its copy was sent to the Asst. Labour Commissioner. I take that, that is the representation made by the worker to the Asst. Labour Commissioner in respect of his termination. It is not in dispute that thereafter there was a conciliation proceeding and in which the offer was made to the worker to appoint him on certain conditions. It appears that these conditions were not acceptable to the worker. From the W.S. it appears that if the worker would have accepted these conditions he would have been treated as a labourer of the contractor and not of the Telecom department. It appears that therefor he might have refused that offer. As I have come to the conclusion that the grievance is valid and the worker is entitled to backwages from the date of the application which he made to the Asst. Labour Commissioner and not earlier.

21. It is not in dispute that after termination of this worker the work which was allotted to the worker was done by others. It is not in dispute that there were appointments of casual labourers even after circulars and therefore in view of the Supreme Court direction the scheme was to be prepared for granting temporary status and regulation of Casual Labourers. Therefore it has to be said that the

work which the workmen was doing was available for him if he would not have been terminated. For all these reasons I record my findings on the Issues Accordingly and pass the following Order :

ORDER

1. The action of the management of Telecom District Manager, Nasik in terminating the services of Shri Raghunath K. Tipayale, Casual Mazdoor without complying to the provisions of Section 25-F of Industrial Disputes Act of 1947 is not justified.
2. The management is directed to appoint him as Casual Mazdoor with immediate effect.
3. The management is also directed to make the payment of wages to him from 21-3-90.
4. The worker is given continuity of service with effect from his initial date of appointment but only for the purpose of grant of temporary status and terminal benefits. It is made clear that the grant of continuity of service to the worker will be without affecting the seniority and promotions if any of any of the Casual employees who might have been engaged or are engaged since the termination of the worker.

S. B. PANSE, Presiding Officer

नई दिल्ली, 20 दिसम्बर, 1995

का.आ. 105.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बन्दी-चिन्नीङ्गढ़ क्षेत्रीय ग्रामीण बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद औद्योगिक अधिकरण, कोटा के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-12-1995 को प्राप्त हुआ था।

[मक्या एल-12012/42/91-आई आर (बी-1)]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 20th December, 1995

S.O. 105.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Kota as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bundi-Chittorgarh Ksh. Bank and their workman, which was received by the Central Government on 19-12-1995.

[No. L-12012/42/91-IR (B-I)]

P. J. MICHAEL, Desk Officer

अनुबंध

न्यायाधीश, औद्योगिक न्यायाधिकरण (केन्द्रीय) कोटा/राज.

निर्देश प्रकरण क्रमांक: आ. न्या. (केन्द्रीय)-10/91

दिनांक स्थापित : 1/7/91

प्रमग: भारत सरकार, श्रम मंत्रालय, नई दिल्ली के

आदेश क्रमांक एल.-12012/42/91/आई.

आर. (बी.-3) दि. 18-6-91

औद्योगिक विवाद अधिनियम, 1947

मध्य

कैलाश चन्द पुत्र जगदम्बा प्रसाद

द्वारा क्षेत्रीय मंत्री, हिन्दू मजदूर सभा बंगाली कालोनी, कोटा।

—प्रार्थी शमिक

पुं

अध्यक्ष, बन्दी चिन्नीङ्गढ़ क्षेत्रीय ग्रामीण बैंक, कोटा गेट
प्रधान कार्यालय पोस्ट वाकमन. 20 बन्दी।

—प्रतिपक्षी नियोजक

उपस्थित

श्री आर. के. चाचान,

आर. एच. जे. एस.

प्रार्थी शमिक की ओर से प्रतिनिधि—श्री एन. के. तिवारी
प्रतिपक्षी नियोजक की ओर से प्रतिनिधि : श्री एम. सी. गुप्ता
अधिनियम, दिनांक : 1/11/95

अधिनियम

भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा निम्न
निर्देश औद्योगिक विवाद अधिनियम, 1947 (जिसे तदुपरान्त
“अधिनियम” स सम्बोधित किया जायेगा) की धारा
10(1)(घ) के अन्तर्गत इस न्यायाधिकरण को अधिनियमार्थ
सम्प्रेषित किया गया है—

“Whether the action of the Bank of Bundi-Chittorgarh Kshetriya Gramin Bank, Bundi, in terminating the services of Shri Kailash Chander S/o Jagdamba Prasad, Driver, w.e.f. 1-6-86 is legal and justified? If not, to what relief the concerned workman is entitled to and from what date?”

2 निर्देश न्यायाधिकरण में प्राप्त होने पर दर्ज रजिस्टर किया गया द पक्षकारों की सूचना जारी की गयी जिस पर दोनों पक्षों ने अपनी ओर से अपने-अपने अभ्यावेदन प्रस्तुत किये।

3. आज दोनों पक्षों के प्रतिनिधिगण उपस्थित हुए। प्रार्थी स्वयं उपस्थित नहीं है और न उसकी ओर से कोई कारण बताया गया है जब कि आज उससे जिरह हेतु अन्तिम अवसर दिया गया था, अतः प्रार्थी की साक्ष्य वन्द की जाती है। प्रतिपक्षी भी अपनी ओर से कोई साक्ष्य प्रस्तुत नहीं कर साक्ष्य समाप्त करते हैं। बहस पक्षकारों की सुनी गयी व पत्रावली का अवलोकन किया गया। पत्रावली के अवलोकन से स्पष्ट प्रकट होता है कि प्रार्थी की ओर से अपने कथन क्लेम समर्थन में कोई साक्ष्य प्रस्तुत नहीं की गयी है जिससे कि उसके कथन की पूर्णता हो सके, अतः साक्ष्य के अभाव में प्रार्थी कोई राहत प्राप्त करने का अधिकारी नहीं है और भारत सरकार, श्रम मंत्रालय द्वारा सम्प्रेषित निर्देश को इसी प्रकार उत्तरित किया जाता है।

इस अधिनियम को समुचित सरकार को नियमानुसार प्रकाशनाथं भिजवाया जावे।

आर. के. चाचान, न्यायाधीश

नई दिल्ली, 20 दिसम्बर, 1995

का.आ. 106—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक आफ राजस्थान के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक

विवाद में औद्योगिक आंदोलन, कोटा के पंचपट का प्रकाशित करती है, जो केन्द्रीय सरकार को 19-12-95 को प्राप्त हुआ था।

[संख्या एन-12012/201/90-आई.आर. (बी-1)]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 20th December, 1995

S.O. 106.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Kota as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bank of Rajasthan and their workmen, which was received by the Central Government on 19-12-1995.

[No. L-12012/201-90-IR (B-1)]

P. J. MICHAEL, Desk Officer

अनुसन्ध

न्यायाधीश, औद्योगिक न्यायाधिकरण (केन्द्रीय) कोटा/राज./

निर्देश प्रकरण क्रमांक औ. न्या. (केन्द्रीय)-19/90

दिनांक स्थापित : 29-10-90

प्रसंग : भारत सरकार, श्रम मंत्रालय, नई दिल्ली के आदेश

संख्या एन. 12012/201/90/आई.आर.

(बी-3) दिनांक 9-10-90

औद्योगिक विवाद अधिनियम, 1947

मध्य

श्रीमती भंवरीबाई पत्नी नंदलाल द्वारा महासचिव, जनरल मजदूर यूनियन, हिन्द मजदूर सभा (बूंदी)।

—प्राथिनी श्रमिक

एवं

क्षेत्रीय प्रवक्ता, बैंक आफ राजस्थान लि., एरोडाम सर्किल पोस्ट बाकस सं. 113, कोटा।

—प्रतिपक्षी नियोजक

उपस्थित

श्री आर. के. चाचाग,

आर. एच. जे. एस.

प्राथिनी श्रमिक की ओर से प्रतिनिधि—श्री एस.एस. देवलिया
प्रतिपक्षी नियोजक की ओर से प्रतिनिधि—श्री सुरेश साधु
अधिनिर्णय दिनांक 10-11-95।

अधिनिर्णय

भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा निम्न निर्देश औद्योगिक विवाद अधिनियम, 1947 (जिसे तदुपरांत "अधिनियम" में संशोधित किया जायेगा) की धारा 10(1)(घ) के अन्तर्गत इस न्यायाधिकरण को अधि-निर्णयार्थ सम्प्रेषित किया गया है :—

"Whether the action of the Bank of Rajasthan in terminating the services of Smt. Bhavri Devi, W/o Shri Nand Lal, w.e.f. 20th May, 1987 is legal and justified? If not, to what relief the concerned workmen is entitled to and from what date?"

2. निर्देश न्यायालय में प्राप्त होने पर दर्ज रजिस्टर किया गया व पक्षकारों को सूचना जारी की गयी। प्राथिनी श्रीमती भंवरीबाई के संबंध में प्राथी यूनियन के महासचिव द्वारा क्लेम स्टेटमेंट प्रस्तुत कर संक्षेप में तथ्य इस प्रकार प्रकट किये गये हैं कि प्राथिनी 10 वर्षों से भी अधिक समय से प्रतिपक्षी बैंक नियोजक के पास कार्यालय में पानी भरने का कार्य करती चली आ रही थी परन्तु 20-5-87 को प्रतिपक्षी ने प्राथिनी को अकारण भेवामुक्त कर दिया और प्राथिनी के स्थान पर एक अन्य श्रमिका कान्ताबाई को 60/- रुपये प्रतिमाह पर रख लिया। प्राथिनी को सेवा कार्य से प्रतिदिन 4 घंटे लगने थे और प्रतिपक्षी मात्र 40/- रुपये मासिक प्राथिनी को देता था। प्रतिपक्षी ने प्राथिनी को कोई नोटिस अथवा नोटिस वेतन व भुआवजा भेवामुक्त करने से पूर्व नहीं दिया। ऐसी दशा में सेवा मुक्ति अवैध है। प्राथिनी 10-12 मंठके पानी दैनिक भरती थी व पानी पुराने पात्र हाउस से भरकर लाती थी। जिससे उसे काफी श्रम होता था। प्राथिनी ने अपना वेतन बढ़ाने के लिये बड़ा तो उसे अवैध रूप से हटा दिया, यतः प्राथिनी को पुनः कार्य पर लिया जाये व प्राथिनी की नौकरी 20-5-87 से मानी जाकर 40/- रुपये प्रतिमाह की दर से विच्छेदा सम्पूर्ण वेतन दिलाया जाये।

3. प्रतिपक्षी ने अपने जवाब में यह कहा है कि प्राथिनी का प्रतिपक्षी बैंक में पानी भरने का कार्य स्थायी तौर का नहीं है तथा उसका बैंक के कार्य से कोई संबंध नहीं है और तब वह कभी बैंक की कर्मचारी रही और न उस कभी कोई निपुण-पत्र दिया इसलिए प्राथिनी को सेवा मुक्त किये जाने का कोई प्रश्न नहीं है। प्राथिनी प्रतिपक्षी बैंक के मंठकों में पानी भरती थी परन्तु उसे 4-5 मंठके पानी भरने में 10-15 मिनट से ज्यादा का समय नहीं लगता था। यह भी अस्वीकार किया है कि प्रतिपक्षी ने प्राथिनी को नौकरी पर रखा हो, अर्थात् प्राथिनी कभी भी प्रतिपक्षी के यहां नियोजन में नहीं रही। प्राथिनी प्रतिपक्षी के संस्था में लगे हुए तल से ही पानी भरती थी। प्राथिनी का कार्य स्थायी प्रकृति का नहीं था व न ही बैंक से संबंधित कार्य था वनिक आकस्मिक प्रकृति का था। प्राथिनी प्रतिपक्षी बैंक में पानी भरने के साथ-साथ बूंदी जिला पुस्तकालय का भी पानी भरती थी। जिला पुस्तकालय अब जिला विभाग के अन्तर्गत है जिसमें प्राथिनी काम कर रही है। प्राथिनी प्रतिपक्षी के यहां कभी भी नियोजन में नहीं रही इसलिए नौकरी पर लेने का मयावज नहीं है, अतः क्लेम खारिज किया जावे।

4. प्राथिनी भंवरी बाई की ओर से माध्य में स्वयं का शपथ-पत्र प्रस्तुत किया गया है जिसमें प्रतिपक्षी नियोजक के विद्वान प्रतिनिधि ने जिरह की है। प्रतिपक्षी नियोजक की ओर से कृष्णकुमार सोडिया ने अपना शपथ-पत्र प्रस्तुत किया है जिसमें श्रमिका प्रतिनिधि द्वारा जिरह की गयी है। बहस अन्तिम सुनी गयी व सुनी गयी पत्रावली का अवरोकन किया गया।

5 प्राथिनी की ओर से इस न्यायालय में प्रार्थना की गयी है कि उसे पिछले वेतनमान एवं नौकरी दिलाया जाए जबकि प्रतिपक्षी की ओर से विद्वान प्रतिनिधि ने यह बहस की है कि प्राथिनी ने प्रतिपक्षी बैंक के यहाँ आकस्मिक कार्य के रूप में केवल 1-5 मटेके पानी कार्यदिवस के दिन भरने का काम किया है जिसके लिए प्रतिपक्षी से उस एक निश्चित राशि देना था। प्राथिनी ने स्वीकृत रूप से बैंक से सम्बन्धित कोई कार्य नहीं किया। चूंकि प्राथिनी ने जो कार्य किया वह आकस्मिक धार्मिक का था इसलिए प्राथिनी कोई पिछला वेतन प्राप्त करने की अधिकारिणी नहीं है। प्राथिनी ने जितने दिन काम किया उसने दिन का वेतन उसे स्वीकृत रूप से दे दिया गया है। प्राथिनी ने अपनी जिरह में यह कहा है कि दिनांक 20-5-87 को उसे 60/- रुपए माहवार पर रखा गया था कोई नियुक्ति-पत्र नहीं दिया गया, बैंक में पानी भरने का काम करती थी, मेने उस समय राजकीय सार्वजनिक पुस्तकालय में भी पानी भरने का काम किया है।

6. प्रतिपक्षी के गवाह के के. सोकिया ने अपने जपथ-पत्र में कहा है कि प्राथिनी का कार्य बैंक कार्य से सम्बन्धित नहीं था, प्राथिनी आकस्मिक धार्मिक थी जिसे बैंक के तल में ही दो-चार मटेके पानी भरने पड़ते थे। प्राथिनी को पानी भरने के एवज में प्रदर्श डबल्यू. 1 व डबल्यू. 2 के जरिए 30-30 रुपए माहवार दिलाए गए थे व प्राथिनी राजकीय सार्वजनिक पुस्तकालय, यदी में 12 वर्षों में पानी भरने का कार्य करती है जिसका प्रमाण-पत्र प्रदर्श डबल्यू. 3 है। गवाह ने स्पष्ट कहा है कि प्राथिनी को हमने नहीं हटाया बल्कि वह स्वयं ही चली गयी। प्राथिनी को आम तौर पर मासिक रूप में ही भुगतान किया जाता था।

7. इस प्रकार उक्त सदस्य के विवेचन से यह स्पष्ट है कि प्राथिनी भवरीवाई का कार्य केन्द्र में प्रतिपक्षी बैंक में कार्यदिवस के दिन दो-चार मटेके पानी भरने का था जिस कार्य के फलस्वरूप उसे 30/- रुपए माहवार दिए जाते थे। प्राथिनी स्वीकृत रूप से प्रतिपक्षी के अलावा भी राजकीय सार्वजनिक पुस्तकालय में 60/- रुपए माहवार पर पानी भरने का कार्य करती थी। इस प्रकार प्राथिनी का कार्य प्रतिपक्षी बैंक के यहाँ आकस्मिक धार्मिक का था। प्राथिनी ने अपनी माध्य से यह साबित नहीं किया कि उसने प्रतिपक्षी बैंक में 240 दिन तक लगातार किसी भी एक कलैण्डर वर्ष में कार्य किया। प्राथिनी का कार्य प्रतिपक्षी बैंक कार्य से सम्बन्धित नहीं था, अतः ऐसी स्थिति में उक्त बैंक का कर्मचारी नहीं माना जा सकता। इस प्रकार जब प्राथिनी व प्रतिपक्षी बैंक के मध्य नियोजक व कर्मकार का सीमा सम्बन्ध ही स्थापित होता साबित नहीं है तो प्राथिनी को प्रतिपक्षी बैंक द्वारा सेवा पथक किए जाने के पूर्व अधिनियम की धारा 25-एफ के प्रावधान लागू नहीं होते। प्राथिनी चूंकि आकस्मिक कार्य के रूप में कार्यरत थी और उसकी माध्य से या अन्य किसी प्रकार से यह साबित नहीं हो सका है कि उसे प्रतिपक्षी ने जानबूझकर हटाया हो, अतः यह नहीं माना जा सकता कि उसे प्रतिपक्षी द्वारा 20-5-87 से हटाना अनुचित न गंवा था, फलस्वरूप यह प्रति-

पक्षी बैंक से कोई राहत प्राप्त करने की अधिकारिणी नहीं समझी जाती।

8. उक्त सम्पूर्ण विवेचन के आधार पर राज. सरकार, धर्म विभाग द्वारा सम्प्रेषित निर्देश को इस प्रकार उन्नीत किया जाता है कि चूंकि प्राथिनी यह साबित नहीं कर सकी है कि उसे प्रतिपक्षी द्वारा जानबूझकर बिना किसी अधिनियम की पालना किए हटाया गया है इसलिए उसे प्रतिपक्षी द्वारा 20-5-87 से हटाना अनुचित व अवैध घोषित नहीं किया जा सकता, फलस्वरूप प्राथिनी प्रतिपक्षी बैंक से कोई राहत प्राप्त करने की अधिकारिणी नहीं है।

इस अधिनियम को समुचित सरकार को नियमानुसार प्रकाशनार्थ भिजवाया जावे।

आर. के. ज्ञानान, न्यायाधीश

नई दिल्ली, 22 दिसम्बर, 1995

का. आ. 107.—आयोगिक विवाद अधिनियम, 1947 (1917 का 14) की धारा 17 के अनुसर्ग में केन्द्रीय सरकार टेलीग्राम में प्रबंधन के सदृश नियोजकों और उनके कर्मचारियों के बीच अन्तर्ग्रह में निहित आयोगिक विवाद में केन्द्रीय सरकार आयोगिक अधिकरण, मद्रास के पंचपट का प्रकाशित करती है जो केन्द्रीय सरकार को 20-12-95 को प्राप्त हुआ था।

[संख्या एन-40012/255/91-आईआर (डीए.)]
के.वी.बी. उन्नी, ईस्क अधिकारी

New Delhi, the 22nd December, 1995

S.O. 107.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecom and their workmen, which was received by the Central Government on 20-12-1995.

[No. L-40012-255/91-IR (DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU
MADRAS

Thursday, the 5th day of October, 1995

PRESENT:

Thiru N. Subramanian, B.A.B.L., Industrial Tribunal.

Industrial Dispute No. 24/1992

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Telecom District Manager, Thirujavoor)

BETWEEN

Shri P. Shanmugam,
S/o Late Periamay,
East Thirubhuranam,
Saliyamanalam Post, Papanasam Taluk,
Pin-613504.

AND

The District Manager,
Telecom,
Thanjavur-613001.

REFERENCE :

Order No. L-40012/255/91-IR(DU), dated 16-3-92, Ministry of Labour, Government of India, New Delhi.

This dispute coming on for final hearing on Tuesday, the 19th day of September, 1995 upon perusing the reference, Claim and Counter statements and all other material papers on record and upon hearing the arguments of Tvl. S. Ayyathurai and G. Sivagnanam, Advocates appearing for the workman and of Thiru R. Karunakaran, Addl. Standing Central Government Counsel, appearing for the Management, and this dispute having stood over till this date for consideration, this Tribunal made the following

AWARD

The Government of India by its Order No. L-40012/255/91-IR(DU), dated 16-3-92, referred under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication before this Tribunal, regarding the dispute :

"Whether the termination of services of Shri P. Shanmugam, Casual Mazdoor, by the Management of Telecom District Manager, Thanjavoor, is justified? If not, to what relief he is entitled?"

After services of notices both parties filed their respective Claim statement and Counter statement.

2. The case of the petitioner as per the Claim Statement is as follows.—The petitioner joined the services on 11-4-85 as Mazdoor and he was paid on daily rated basis. His work was to do line work. Though he was paid wages on daily rated basis, the work he was doing was a permanent one. He was given work every month and he had completed 376 days as on 30-9-87 the date on which his services was orally terminated. While terminating his service, the Sub-Divisional Officer did not give any notice nor he paid in lieu of notice of compensation for his service. After the termination of the service, he orally represented to the Divisional Engineer. But nothing was done. Therefore, he represented to the Divisional Secretary of National Federation of Postal and Telecommunication Employees. Thereafter in August, and September 1988, the petitioner was given work and in June 1990 he was again given work in the Sub Divisional Office, Telegraphs, but this time on leave vacancy basis. In August, 1990 he was again denied the leave vacancy work. Therefore, he raised the dispute concerning his non-employment before the Assistant Labour Commissioner. The respondent filed Counter Statement. The Conciliation Officer sent his failure report to the Government. The action of the respondent in terminating the service of the petitioner was arbitrary, illegal and unjustified. The petitioner had completed more than 240 days of continuous service in a year prior to 30-9-87. The Sub-Divisional Office did not comply with the Provisions of Section 25-F of the Industrial Disputes Act. Hence the termination is void. Hence the order of termination may be set aside, and the petitioner may be reinstated in service with full back wages and continuity of service.

3. The respondent filed his counter contending that the petitioner was given work on 17-4-85 only and not on 11-4-85. He was given work purely on temporary basis. The work was allotted to him whenever necessary purely on casual basis, and when the regular mazdoor were not available, due to leave or absenteeism. The work was also not of permanent nature. As per the records available, the petitioner had worked totally for 372 days from 17-4-85 to 30-9-87. His service was not orally terminated but he himself was absent from 30-9-87. He was not given work in August and September, 1988 and June 1990 as alleged by him. The petitioner was not engaged after 30-9-87 since he himself was absent. As per the Circular of the department of Telecommunications, New Delhi Order No. RET/84/1/83/A, dated 1-5-87 the Casual Labourers who have been employed after 30-3-85 should have to be dispensed with. Hence the service of the petitioner was terminated as he was employed on 17-4-85. There is no illegality in dispensing with his services. The Telecommunications department cannot employ Casual Labourers who have been recruited after 30-3-85. Hence the claim of the petitioner may be dismissed with cost.

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4. Exs. W-1 to W-9 were marked through WW1 and W-10/ Series was marked through MW1 and M-1 to M-3 were also marked through him.

5. The point for consideration is.—Whether the termination of the services of Shri P. Shanmugam, Casual Mazdoor by the Management of Telecom District Manager, Thanjavoor is justified? If not, to what relief he is entitled?

6. The point.—According to the petitioner he was employed as a Casual Mazdoor on 11-4-85. But according to the respondent he was employed in service on 17-4-85 as a Casual worker and he was paid wages on daily rate basis. The petitioner's services were dispensed with on 30-9-87 without any reason. No written order of termination was given to the petitioner. According to the petitioner he represented the matter to the National Federation of Postal and Telecommunication Employees. Thereafter he was given work in August, and September 1988 and in June 1990. By it is denied by the respondent. It is contended by the petitioner's Counsel that the petitioner had worked for more than 240 days continuously in a year prior to the termination dated 30-9-87. W-2 is the mustering card relating to the petitioner. In Ex. W-2 the number of days worked by the petitioner and wages paid to him were duly entered by the concerned Officers. As per Ex. W-2, the petitioner has worked for 254 days in a year continuously prior to the termination of his service on 30-9-87. So, it is argued by the petitioner's counsel as the petitioner has worked for more than 240 days continuously in a year, the termination of his service will amount only to retrenchment from his service. Therefore, u/s. 25-F of the I.D. Act, the petitioner must be given notice of termination or pay in lieu of notice and compensation for the service. Admittedly in this case, no notice was given to the petitioner, before dispensing with his service. Therefore, the order of termination of service without complying with Provisions of Section 25-F of the I.D. Act is void.

7. It is contended by the respondent's counsel as per the Circular Ex. M.2 dated 1-5-87, casual labourers employed after 30-3-85 should be dispensed with and no fresh casual labourers has been recruited thereafter. So, in view of the Circular Ex. M.2, the services of the petitioner was dispensed with as he was employed only on 17-4-85. It is contended by the Petitioner's counsel the termination of service in view of the Circular dated 1-5-87 which is marked as Ex. M.2 is illegal and against the Provisions of the I.D. Act. The Central Administrative Tribunal, Madras Bench has held in O.A. Nos. 825, 826, 881 to 883 and 886 to 889/89 in cases similar to that of Petitioner "That the termination of service in view of the Circular dated 1-5-85 is illegal in view of the directions of the Supreme Court and thereby quash the termination order". Therefore, the termination of service of the petitioner is void since Section 25-F of the I.D. Act was not complied with and also in view of the decision given by the Central Administrative Tribunal, Madras Bench and which is marked as Ex. M.3 in this case by the respondent himself.

8. The petitioner was employed only as a Casual labourer and he was paid only for the work done on the daily wage basis. The petitioner was given work whenever work was available in the Department. He is not a regular worker getting a monthly salary. So, the Department cannot be directed to pay the back wages as in case of regular monthly salary paid workers. Therefore, the back wages for the petitioner cannot be determined. So, in these circumstances, he is not entitled for back wages.

In the result, an award is passed setting aside the order of termination of the petitioner from service from 30-9-87. The respondent is directed to reinstate the petitioner in service with continuity of service and without back wages. No costs.

Dated, this the 5th day of October, 1995.

THIRU N. SUBRAMANIAN, Industrial Tribunal

WITNESSES EXAMINED

For Workman :

W.W.1 : Thiru P. Shanmugam.

For Management :

M.W.1 : Thiru S. Sethuraman.

DOCUMENTS MARKED

New Delhi, the 26th December, 1995

For Workman :

- Ex. W-1/3-9-86 : Service Certificate issued to the Workman Thiru P. Shanmugam by the Divisional Officer, Telegraphs, Mannargudi, (Xerox copy).
- W-2/ : Mustering Card of the Workman (Xerox copy).
- W-3/5-9-90 : Letter from the Workman to the Management (Xerox copy).
- W-4/6-3-91 : Dispute raised by the Workman under Section 2-A of the Industrial Disputes Act before the Assistant Labour Commissioner (Central) Madras-6 (Xerox copy).
- W-5/25-9-91 : Counter filed by the Management before the Assistant Labour Commissioner (Central), Madras-6 (Xerox copy).
- W-6/31-10-91 : Reply filed by the Workman before the Assistant Labour Commissioner (Central), (Madras-6 copy).
- W-7/20-11-91 : Conciliation Failure Report (copy).
- W-8/6-3-90 : Order of Central Administrative Tribunal, Madras in O.A. Nos. 825, 826, 881 to 883 and 886 to 889/89 (Xerox copy).
- W-9/20-2-91 : Order of Central Administrative Tribunal, Madras in O.A. No. 801/89 (Xerox copy).
- W-10/series : Service Certificate issued to the workman by the Junior Telecom Officer, Thanjavur.
- For Management :
- Ex. M.1 : Mustering card issued to the Workman for the period from 13-8-86 to 25-9-87 (Xerox copy).
- M-2/1-5-87 : Letter from the General Manager, Telecommunication Tamil Nadu Circle, Madras-2 to the Director, Telecom, Madras, regarding recruitment of Casual labourers (Xerox copy).
- M-3/26-3-90 : Order of Central Administrative Tribunal, Madras in O.A. Nos. 825, 826, 881 to 883/89 and 886 to 889/89 (Xerox copy).

नई दिल्ली, 26 दिसम्बर, 1995

का.आ. 108.—कर्मचारी राज्य बीमा निगम अधिनियम, 1948 (1948 का 34) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्र सरकार भारत के राजपत्र असाधारण भाग-II, खण्ड-3(ii) में दिनांक 8 जून, 1995 को प्रकाशित भारत सरकार, श्रम मंत्रालय की अधिसूचना सं. का.आ. 509(अ) दिनांक, 8 जून, 1995 में निम्नलिखित संशोधन करती है :

उक्त अधिसूचना में "खण्ड 4 के उप-खण्ड (ब) के अन्तर्गत संसद द्वारा चयनित" शीर्षक के तहत क्रमसंख्या-52 के सामने निम्नलिखित प्रविष्टि जोड़ी जायेगी, अर्थातः—

"श्री हरीत पाठक,
संसद सदस्य (लोक सभा)
89, माउथ एवेन्यू,
नई दिल्ली-110011
स्थायी पता :—

मधुराम, प्राण कुंज सोमाइटी,
पुष्प कुंज, मनी नगर, अहमदाबाद (गुजरात)"

[संख्या ए-16012/2/95-एस.एम.-1]

जय प्रकाश शुक्ला, अवर सचिव

S.O. 108.—In exercise of the powers conferred by Section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Labour No. S.O. 509(E), dated the 8th June, 1995 published in the Gazette of India, Extraordinary, Part II, Section 3(ii) dated the 8th June, 1995.

In the said notification under the heading 'Elected by the Parliament under clause (i) of Section 4 against serial No.

52, the following entries shall be inserted namely :—

"Shri Harin Pathak,
Member of Parliament (Lok Sabha),
89-South Avenue,
New Delhi-110011.

Permanent Address.

Madhuram, Pran Kunj Society,
Pushpa Kunj, Mani Nagar,
Ahmedabad (Gujarat)".

[No. U-16012/2/95-SS. I]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 26 दिसम्बर, 1995

का.आ. 109.—कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) की धारा 2 के खंड (दख) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार अनुसूचा के स्तंभ (2) में उल्लिखित अधिकारियों को उक्त अधिनियम के अधीन किये गये उपबंधों के अधीन शामिल सभी प्रतिष्ठानों के संबंध में उक्त अनुसूची के स्तंभ (3) में उल्लिखित क्षेत्रों के लिये, उक्त अधिनियम के अधीन संबंधित क्षेत्रों में तत्काल प्रभाव से वसूली अधिकारी की शक्तियों का प्रयोग करने के लिये एतद्वारा प्राधिकृत करती है :

अनुसूची

क्रम सं.	अधिकारी का नाम और पदनाम	वह क्षेत्र जिसके संबंध में अधिकारिता का प्रयोग किया जाना है
1.	श्री एम. के. ठाकुर, सहायक भविष्य निधि आयुक्त, पश्चिम बंगाल	पश्चिम बंगाल राज्य और केन्द्र शासित प्रदेश अंडमान व निकोबार द्वीप समूह
2.	श्री समीर भट्टाचारजी, सहायक भविष्य निधि आयुक्त, पश्चिम बंगाल	पश्चिम बंगाल राज्य और केन्द्र शासित प्रदेश अंडमान व निकोबार द्वीप समूह
3.	श्री बी. के. समल, सहायक भविष्य निधि आयुक्त, पश्चिम बंगाल	पश्चिम बंगाल राज्य और केन्द्र शासित प्रदेश अंडमान व निकोबार द्वीप समूह
4.	श्री ए. के. नायक, सहायक भविष्य निधि आयुक्त, पश्चिम बंगाल	पश्चिम बंगाल राज्य और केन्द्र शासित प्रदेश अंडमान व निकोबार द्वीप समूह
5.	श्री के. चौधरी, सहायक भविष्य निधि आयुक्त पश्चिम बंगाल	पश्चिम बंगाल राज्य और केन्द्र शासित प्रदेश अंडमान व निकोबार द्वीप समूह

1	2	3
6 श्री एम.के. दाम,	पश्चिम बंगाल राज्य और केन्द्र	
सहायक भविष्य निधि	शासित प्रदेश अंडमान व निकोबार	
आयुक्त, पश्चिम बंगाल	द्वीप समूह	
[का.सं. गार-11013/04/95-एम.एस.-11]		
जे.पी. शुक्ला, अवर सचिव		

New Delhi, the 26th December, 1995

S.O. 109.—In exercise of the powers conferred by Clause (kb) of Section 2 of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby authorises the officers mentioned in column (2) of the Schedule to exercise the powers of "Recovery Officer", under the said Act with immediate effect for the areas mentioned in column (3) of the said Schedule in relation to all establishments covered under the provisions of the said Act in the respective areas.

SCHEDULE

S. No.	Name & designation of the Officer	Area in relation to which jurisdiction to be exercised.
1	2	3
1.	Shri S.K. Thahur, Assistant Provident Fund Commissioner, West Bengal.	West Bengal State and The Union Territory of Andaman & Nicobar Islands.
2.	Shri Samir Bhattacharjee, Assistant Provident Fund Commissioner, West Bengal.	West Bengal State and The Union Territory of Andaman & Nicobar Islands.
3.	Shri B.F. Samal, Assistant Provident Fund Commissioner, West Bengal.	West Bengal State and The Union Territory of Andaman & Nicobar Islands.
4.	Shri A.K. Nayak, Assistant Provident Fund Commissioner, West Bengal.	West Bengal State and The Union Territory of Andaman & Nicobar Islands.
5.	Shri K. Chowdhary, Assistant Provident Fund Commissioner, West Bengal.	West Bengal State and The Union Territory of Andaman & Nicobar Island.
6.	Shri M.K. Das, Assistant Provident Fund, Commissioner, West Bengal.	West Bengal State and The Union Territory of Andaman & Nicobar Islands.

[I. No. R-11013/4/95-SS.II.]

J.P. SHUKLA, Under Secy.

नू. पी. शुकला, 27 दिसम्बर, 1995

नू. अ. 110.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टुटीकोरीन पोर्ट ट्रस्ट, टुटीकोरीन के प्रबन्ध-तंत्र के संबंध निर्योजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-12-1995 को प्राप्त हुआ था।

[संख्या एल-44012/3/92-आई. गार. (विधि)]
बी. एम. डेविड, डेस्क अधिकारी

3151 GI/95—10

New Delhi, the 27th December, 1995

S.O. 110.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Tuticorin Port Trust, Tuticorin and their workmen, which has received by the Central Government on the 13-12-95.

[No. J-44012/3/92-IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU MADRAS

Monday, the 27th November, 1995

PRESENT :

Thiru N. Subramanian, B.A.B.L., Industrial Tribunal

Industrial Dispute No. 56 of 1993

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of "Tuticorin Port Trust, Tuticorin).

BETWEEN :

The Workman represented by :

The Secretary,

Tuticorin Port Mariners and General Staff Union,
22-A, Pereira Street,
Tuticorin-1.

AND

The Chairman.

Tuticorin Port Trust,
Tuticorin.

REFERENCE :

Order No. J-44012/3/92-IR(Misc), dated 1-6-93, Ministry of Labour, Government of India, New Delhi.

This dispute coming on this day for final disposal in the presence of Tvl. G. Baharam & M. Ravichandran, Authorised Representatives for the Workmen and of Tvl. M. Venkatachalapathy and M. Sriram, Advocates appearing for the Management, upon perusing the reference, Claim and Counter statements and other connected papers on record and the workmen having filed a Memo for dismissing this dispute as settled out of Court, and recording the same this Tribunal passed the following :

AWARD

This reference has been made for adjudication of the following issue :

"Whether the action of the Management of Tuticorin Port Trust in with-holding the annual increment for 2 years in respect of Shri N. O. Fernando, IUG is justified ? If not, to what relief he is entitled?"

Petitioner filed a Memo to dismiss the I.D. as settled out of Court. Recorded. Industrial Dispute dismissed as settled out of Court. No costs.

Dated, this the 27th day of November, 1995.

THIRU N. SUBRAMANIAN, Industrial Tribunal

COPY OF MEMO OF WITHDRAWAL FILED BY PETITIONER

The Workman of Tuticorin Port Trust
represented by the Tuticorin PortMariners' and General Staff Union, 28,
Kemrocope Street, Tuticorin-1.

... Petitioner

The Management of Tuticorin
Port Trust, Tuticorin-4.

.. Respondent.

MEMO OF WITHDRAWAL

The Petitioner Union hereby pray that the above dispute may be dismissed as the matter has been settled out of Court.

Dated : 27-11-1995.

Sd/- G. Balaram
Authorised Representative
of the Petitioner.

Sd/-
Secretary,
The Tuticorin Port Mariners
and General Staff Union,
28, Kemrocope Street,
Tuticorin—628001.

नई दिल्ली, 27 दिसम्बर, 1995

का.आ. 111:—औद्योगिक विवाद अधिनियम, 1917 (1947 का 14) की धारा 17 के अन्तर्गण में, केन्द्रीय सरकार टुटिकोरिन पोर्ट ट्रस्ट, मद्रास के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अन्तर्वध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-12-95 को प्राप्त हुआ था।

[संख्या एन-44012/5/92-आई.आर. (विविध)]
बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 27th December, 1995

S.O. 111.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Tuticorin Port Trust, Tuticorin, Madras and their workmen, which was received by the Central Government on the 13-12-1995.

[No. L-44012/5/92 IR(Misc.)]
B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU
MADRAS

Monday, the 27th day of November, 1995

PRESENT:

THIRU N. SUBRAMANIAN, B.A.B.L., Industrial Tribunal.
INDUSTRIAL DISPUTE No. 65/93

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Tuticorin Port Trust, Tuticorin).

BETWEEN

The Workman represented by
The General Secretary,
Tuticorin Port Mariners & Genl. Staff
Union,
22-A, Pereira Street,
Tuticorin-1.

AND

The Chairman,
Tuticorin Port Trust,
Tuticorin.

REFERENCE :

Order No. L-44012/5/92-IR(Misc.), dated 19-7-93,
Ministry of Labour, Govt. of India, New Delhi.

This dispute coming on this day for final disposal in the presence of Thiru G. Balaram, Authorised Representative for the workmen and of Tvl. M. Venkatachalapathy and M. Sriram, Advocates appearing for the Management. Upon perusing the reference, Claim and Counter statements, and other connected papers on record, and the workmen having

filed a Memo for dismissing this dispute as settled out of Court and recording the same, this Tribunal passed the following :

AWARD

This reference has been made for adjudication of the following issue :

"Whether the action of the Management of Tuticorin Port Trust, in withholding an annual increment in respect of Shri M. Alexander Senior Lascar is justified ? If not to what the relief he is entitled ?"

Petitioner filed a Memo to dismiss the Industrial dispute as Settled out of Court. Recorded. Industrial dispute dismissed as settled out of Court. No costs.

Dated, this the 27th day of November, 1995.

THIRU N. SUBRAMANIAN, Industrial Tribunal
COPY OF MEMO OF WITHDRAWAL FILED BY
PETITIONER

The Workman of Tuticorin Port Trust
represented by the Tuticorin Port
Mariner's and General Staff Union,
28, Kamrocope Street,
Tuticorin—628001.

.. Petitioner

Vs.

The Management of Tuticorin
Port Trust, Tuticorin-4.

.. Respondent.

MEMO OF WITHDRAWAL

The petitioner union hereby pray that the above dispute may be dismissed as the matter has been settled out of Court.

Dated 27-11-95.

Sd/-
Secretary.

Sd/- G. Balaram.
Authorised Representative

The Tuticorin Port Mariners
And General Staff Union,
28, Kemrocope Street,
Tuticorin—620001.

नई दिल्ली, 27 दिसम्बर, 1995

का.आ. 112:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गण में, केन्द्रीय सरकार विशाखा पोर्ट ट्रस्ट, विशाखापट्टनम के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अन्तर्वध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, विशाखापट्टनम के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-95 को प्राप्त हुआ था।

[संख्या एन-34012/1/93-आई.आर. (विविध)]
बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 27th December, 1995

S.O. 112.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Vishakhapatnam as shown in the Annexure in the industrial dispute between the employers in relation to the management of Vishakhapatnam Port Trust, Vishakhapatnam and their workmen, which has received by the Central Government on the 15-12-95.

[No. L-34012/1/93-(Misc.)]
B. M. DAVID, Desk Officer

ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
VISHAKHAPATNAM

PRESENT :

Smt. G. Jaishree, B.Sc., LL.M., Chairman
& Presiding Officer.

Tuesday, the 5th Day of December, 1995
I.F.I.D. No. 2194(Central)

BETWEEN :

The General Secretary,
Port & Dock Employees Association
14-25-32A (Upstairs)
Dandu Bazar,
Maharanipeta,
Vishakhapatnam-2.

—Workman

AND

The Chairman,
Visakhapatnam Port Trust.
Vishakhapatnam.

—Management

This dispute coming on final hearing before me in the presence of the General Secretary Port & Dock Employees Association for workman and Sri P. Srinivasa Rao, Senior Law Officer, for management upon hearing the arguments of both sides the court passed the following :

AWARD

(1) In this case the Government of India referred the dispute existing between the Vishakhapatnam Port Trust and Their workmen under section 10(1)(d) of Industrial Disputes Act, 1947, for adjudication by this tribunal. The reference is in the following terms.

“Whether the action of the management of Vishakhapatnam Port Trust in withholding one increment of Sri N. Govinda Rao, Asstt. Foreman(OHC) of Mechanical Department without cumulative effect is legal and justified ? If not, to what relief the workman is entitled ?”

(2) Claim statement filed by the Port and Dock Employees Association represented by its General Secretary Sri A. Rahaman. The findings of the enquiry officer are attacked as illegal and perverse and contrary to the evidence on record. He also challenges the enquiry proceedings stating that the relevant documents were not supplied to him by the enquiry officer and he was not given reasonable opportunity to defend his case. Thus, he prays for declaring the order of punishment dated 16-2-91 as illegal.

(3) In the counter filed by the management, it is stated that no documentary evidence is appended along with the claim statement to show that

the petitioner's union has been registered with registration No. D 3/70. It is stated that the enquiry was held observing the principles of natural justice and the management issued charge sheet, and after considering his explanation, conducted enquiry by appointing enquiry officer. As the charges are proved against the workman in the enquiry, he was given show cause notice for the proposed punishment and after considering his explanation, the above punishment was imposed and his appeal also was rejected. Thus, it is pleaded that the claim of the petitioner may be rejected as he is not entitled to any relief.

(4) On behalf of the workman, it was represented that they are not challenging the validity of the domestic enquiry and the same is recorded in the proceedings of this tribunal dated 12-7-95. Both sides filed written arguments under section 11A of the I.D. Act. The management also filed the entire record relating to the proceeding of the domestic enquiry the report of the enquiry officer marked as Exs. M1 to M8. Perused the claim statement, counter, the record and the written arguments filed by both sides.

(5) The points that arise for consideration are :

(1) Whether the workmen's union is competent to raise the dispute ?

(2) Whether the report of the enquiry officer finding the charges proved against the workman, is valid and sustainable ?

(3) Whether the punishment imposed on the workman is legal and justified ?

(6) Point No. 1 : This point is whether the petitioner's union is competent to raise the dispute. The petitioner's union is stated to be Port and Dock Workers Association with Register No. D/3/70. In the counter it is stated that no documentary evidence is filed along with the claim statement to show that this union is registered with registration No. 3/70. Thus, the respondent management has not denied that the petitioner's union is registered with No. 3/70 but it merely stated that evidence is not filed in proof of the same. The registration number is given and it is a public record in the registration office and as the same is not denied by the Management no documentary proof is necessary and this plea appears to have been taken only for the purpose of taking it and not with any seriousness. Accordingly, I find this point in favour of the petitioner union and against the management and hold that the petitioner's union is competent to raise the dispute in question.

(7) Point No. 2 : The charges levelled against the workman are the following as per Ex.M2

(1) "During the shift on the aforesaid day, Sri Govinda Rao failed to monitor the system properly and thus responsible for the accident occurred at about 22.30 hrs. on the said day on 25-7-89, which resulted in severe damage to pulley and R3 conveyor belt and ultimate dislocation of plant operations. By the above act, he exhibited gross misconduct unbecoming of public servant. Thus, he violated Reg. 3 of VPE's (C) Reg., 1964."

(2) "The said Sri Govinda Rao had left the work spot abruptly without informing any one, even before his reliever comes and take over charge/knew position from him as required, despite instructions exist to remain till reliever arrives at the work spot and relieve him at the time of shift changing. By the above act, he exhibited negligence, carelessness and utter disregard towards the authority. Thus, he violated Reg. 3 of VPE's(C) Reg., 1964."

(8) Thus, the allegation against the workman by name Sri Govinda Rao is that he did not monitor the system properly in the second shift on 25-7-89 at staker I and R3 conveyor Area which resulted in severe damage to pulley and R3 conveyor belt, and further that he left the work spot abruptly before his reliever came and relieved him. The admitted facts are that on 25-7-89 the above said workman reported to duty in the second shift from 14.00 hrs. to 22.00 hrs. at staker and R3 conveyor area. The report was made by the Chief Mechanical Engineer, Visakhapatnam Port Trust vide Ex.M1. The workman submitted his explanation under Ex. M3 to the charges stating that on 25-7-89 he came to second shift and he was informed by his reliever that H-2 was jammed. From 2.30 p.m. to 7.30 p.m. he cleared the Mucks and fines through contract labour and at about 7.30 p.m. the R3 conveyor was started in the presence of A.E. (Muck and fines). He further stated that he is incharge of H2, staker-I and R3 conveyor. According to him, after starting the conveyor, he came to staker-I to monitor and later he monitored the R3 conveyor. Two times R3 conveyor was stopped for card cutting. Again, R3 stopped when R1 discharged chute was jammed. Later, he went to H2 and his reliever relieved him. Thus, he pleads that accumulation of fines was completely cleared and if there is any accumulation of fines, it happened after he left to house duly relieved by Sri A. L. N. Rao. He further, states that he is working from 1965 in the Port and in

his 24 years of service there was no single remark against him. And thus, he requested to withdraw the charges levelled against him.

(9) Enquiry officer is appointed and he examined PWs 1 to 5 on behalf of the presenting officer for the management. He also examined DWs 1 to 6 produced by the delinquent in his defence. The enquiry officer submitted his report under Ex.M4 finding both the charges proved against the delinquent. A perusal of the report under Ex.M1, charges under Ex.M2 and the discussion of the enquiry officer at para 10 of the enquiry report under Ex.M4 shows that the entire allegation against the delinquent proceeded on a wrong premise and with a prejudiced mind. Admittedly, the delinquent Sri N. Govindarao worked during second shift from 2.00 p.m. to 10.00 p.m. on 25-7-89 and he had to hand over charge to his successor one A. L. Narayana Rao. Admittedly, the R3 conveyor stopped during the 3rd shift, which is at 10.45 p.m. according to the defence and 10.30 p.m. as per the charge. It is to be seen that the accident occurred during duty hours of the said Narayana Rao and after sufficiently long time of his joining the third shift. But strangely instead of taking action against the said Narayana Rao and asking for his explanation, action is taken directly against the delinquency herein on the assumption that the conveyor stopped due to the accumulation of the fines and muck during the second shift attended by the delinquent. The enquiry officer in para 10 of his report took note of the fact that it was noted in the log book by the first shift Asst. Foreman that some of the bels were in deteriorated condition and therefore constant observation needed. And he posed the charge as "Had Sri Govinda Rai monitored the system properly and discharged his duties as diligent as expected of him, the accident could have been averted." Supporting the above assumption, the enquiry officer went on observing that the defence could not give any evidence that the delinquent officer monitored the system properly till the end of the shift and further that he has not made entries in the log book either on the condition of R3 belt or about muck accumulation and from these circumstances he held charge No. 1 proved against the workman. About charge No. 2 he states that there is evidence that the delinquent made no efforts to inform anyone about his leaving the work spot without a reliever and about the critical condition of the belt and muck accumulation and even though the reliever was at office at 10.10 p.m., the delinquent did not try to contract him to give the position. Ultimately the enquiry officer observes that the defence could not give any evidence to defend the charge and thus he held the charge No. 2 also proved against the workman. Thus, the enquiry officer proceeded entirely against the normal requirement of the proof of the charges by the management. He

erroneously required the workman to disprove the charges against him. Even then, he has not adverted to the defence evidence at all about the diligent working of the delinquent in the second shift. DWs 2, 5 and 6, who worked in the second shift gave ample evidence of how diligently the workman monitored the work of R3 conveyor during his shift. Their evidence is that the R3 conveyor was not running at 2.00 p.m. when the second shift started as muck was jammed at M1 and H2 and for cleaning the same R3 conveyor was stopped. R3 was started at 7.30 p.m. after clearing muck and fines jammed at H2. Afterwards the conveyor was stopped thrice for card cutting and at about 9.00 p.m. the R1 discharge chute was jammed and within 20 minutes R3 conveyor was again started. This position is confirmed by PW5 himself who is Asst. Engineer, Electrical, who states that the conveyor was re-started by 9.30 p.m. and he has not received any complaint upto 10.00 p.m. He also admits that he knows about the clearing of Muck and fines of the stacker and he knows the condition of the belt and he has not received any complaint about the delinquent Sri N. Govinda Rao in his shift. This witness testifies about the clearing of the muck by the delinquent and card cutting. Mr. U. V. Joga Rao, A. E., Electrical (Monitoring) who attended III shift, PW1 admitted in his cross-examination that his reliever informed him the position of the plant and he cannot say exactly whether he has seen or not in the beginning itself. The log book written by first and second shift A. E. (monitoring) and he further admits that his reliever informed him about the critical condition of the R3 belt. He further admits in his cross-examination that it was recorded in log book that from 19.45 hrs. to 20.30 hrs. R1 discharge chute jammed and from 20.30 hrs. to 20.55 hrs. R3 stopped for cutting card. In view of these admissions the observation made by the enquiry officers that the delinquent officer has not recorded in the log book about his monitoring and condition of R3 belt, is baseless.

10. Both PWs 1 and 2 appear to be hand-in-glove in throwing the blame on the delinquent. Both these witnesses attended the duty in the third shift at 22.00 hrs. and to suit the allegation against the delinquent PW1 even got the time of incident changed from 10.45 a.m. to 10.30 p.m. Though PW1 states that he did not ask the dumper operator, he, as DW-categorically states that A. E. (monitoring) i.e. PW1 came to dumper in between 11.30 and 12.00 and asked him to change the timings and after lengthy and forced cross-examination also he maintains that PW1 asked to write the time of incident as 10.30 p.m. and therefore he wrote it so. He asserted at the end of the cross-examination that the belt was stopped at 10.45 p.m. but ignoring this witness the enquiry officer relied upon his earlier state-

ment in cross-examination that the information was correct but not the time. The cross-examination by the presenting officer immediately preceding the statement shows that the witness was forced to say that the time was not correct, by confusing him. All the circumstances made to show that the belt was stopped only after half an hour of stating of the third shift and therefore the delinquent who worked in the second shift was to be blamed for accumulation of mucks and fines and P.W.1 and P.W.2 who were in the third shift tried to state that it takes about one hour jamming for the belt to stop. Thus, the time is got changed forcibly by PW1 by the dumper operator to suit their version that the accumulation of much and fines which resulted in the stoppage of conveyor, started during the second shift only, and the same cannot be believed. On the other hand, the evidence of PW1 and PW2 themselves is clear to show that the reliever PW2 did not go to H2 and R3 conveyor belt immediately or even within short time of his joining the shift. But he went to T. K. office to attend to some other work which is not his duty on the instructions of PW1. PW2 himself admits in his cross-examination that as the muck and fines were cleared during 2nd shift, he went to H2 via R3 conveyor and had he gone immediately after reporting for duty to H2, the damage would have been minimised. Thus, it is apparent from the record that as the reliever of the delinquent officer did not attend to the monitoring of R3 conveyor belt in time as soon as he joined the third shift, the incident occurred. The enquiry officer ignored all these facts brought out in the cross-examination of management witnesses themselves and blindly held the charges proved which is against the record and perverse. Thus, I come to the conclusion that the finding of the enquiry officer on charge No. 1 is not supported by the material on record and the same is unsustainable.

11. Regarding the charge No. 2, this charge is that the delinquent left the work spot abruptly without informing anyone even before his reliever came and took over charge. Regarding this charge the enquiry officer rightly referred to the evidence of the defence witnesses K. K. Kameswara Rao DW4 and another defence witness B. Narayana Rao DW1 that DW4 has seen the delinquent officer near sub-section at 10.00 p.m. This evidence of DW1 and DW4 clearly establishes that the delinquent officer was in the premises of OHC upto 10.15 p.m. after his duty was over at 10.00 p.m. and it makes abundantly clear that he did not leave the work spot till after his duty was over and the reliever came. But unfortunately the enquiry officer refers to the statements of DW5 in the cross-examination that the delinquent was there at H2 at the time of running R3 conveyor at 9.30 hrs. and erroneously assumes that the delinquent left H2 at 9.30 p.m. after starting R3 conveyor and came near sub-station

and gone home. This assumption is not supported by any evidence on record. He completely ignored the positive statement of DW5 that the delinquent was with him upto 9.50 p.m. The relieving officer PW2 states in his cross-examination that there is no column in the log book about the handing over and taking over the charge and during that month in the log book maintained by Area-2 Asstt. Foreman nowhere it is mentioned by any Asstt. Foreman that the charge was handed over/taken over. Thus, there is no record to show that the delinquent officer did not wait till his reliever came and did not hand over the charge to PW2. On the other hand, the evidence of the relieving officer DW2 itself disproves the allegation that he delinquent officer left abruptly before his reliever came. This witness states in his Chief Examination that he has not been the delinquent officer on that day. He states that he reported to duty at 22.00 hrs. but in his cross-examination he admits that he cannot say whether the delinquent was there or not at H2 area when he reported for duty. To a question why he has not gone direct to H2 after reporting for duty, he replies that there is no person present and therefore he has not gone there. But he says that this information was given by CRO/R2 that the delinquent was not there and therefore he thought he was not there. He states that he does not know the name of that CRO whom he has contacted. Thus, the evidence of this witness who is the interested person to avoid any allegation being made against himself, is artificial and unbelievable and it is very clear from his evidence that he has not gone to HQ, the work spot immediately after reporting and thus did not bother to take over the charge of second shift from the delinquent officer. The evidence on record is clear that the delinquent did not leave the work place till 22.15 hrs. But it is only the relieving officer if at all who avoided contacting him and on the other hand went to T.K. office to attend to the instructions if PW1 which he was not concerned with. Thus, it is apparrant from the record, as rightly pleaded by the delinquent officer that the blame was simply tried to be thrown on the delinquent officer in order to avoid taking any action against PW2, who avoided to say that he has taken charge from the workman. Thus, I hold that the finding of the enquiry on charge No. 2 is also erroneous, against the record and perverse and liable to be setaside.

(12) In view of the discussion above, I come to the conclusion that the finding of the enquiry officer under Ex.M4 regarding charges 1 and 2 levelled against the delinquent officer are invalid and unsustainable and liable to be setaside. Accordingly, I hold this point in favour of the workman and against the management.

(13) Point No. 3 : This point is whether the punishment imposed on the workman is justified. In view of my findings on point No. 2 above, the findings of the enquiry officer on charges 1 and 2 levelled against the workman are hereby setaside and consequently the punishment imposed on the workman under Ex.M7 dated 16-2-91 of reducing his pay by one stage for a period of one year without cumulative effect is to be setaside and the same is accordingly setaside holding that the same is not justified in the circumstances. Accordingly, this point is held in favour of the workman and against the management.

(14) In the result, Award is passed setting aside the punishment imposed by the disciplinary authority by its order dated 16-2-91 on the workman and directing the management not to give effect to the said punishment and in case it is already given effect, the management shall reimburse the workman of all the benefits which he would have been entitled. Had the above punishment was not imposed on him and this shall be done within a period of 2 months from the date of receipt of this award with interest at 10 per cent p.a. from the date of entitlement of any money due to him till the date of payment.

Dictated to steno transcribed by her given under my hand and seal of the court this the 5th day of December, 1995.

SMT. G. JAISHREE, Chairman & Presiding Officer

APPENDIX OF EVIDENCE IN I.T.I.D. No. 2/94.(C)

WITNESSES EXAMINED

For Workman : NIL. For Management : None.

DOCUMENTS MARKED

FOR WORKMAN : NIL

FOR MANAGEMENT :

Ex.M1 : Article of Charge-I to IV.

Ex.M2 : Chargesheet.

Ex.M3 : 25-8-89 : Explanation to charge-sheet.

Ex.M4 : Enquiry report.

Ex.M5 : Show cause notice.

Ex.M6 : Reply to show cause notice.

Ex.M7 : Proceedings of the Disciplinary authority.

Ex.M8 : Appeal preferred by N. Govinda Rai.

नई दिल्ली, 27 दिसम्बर, 1995

का. आ. 113.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बम्बई पोर्ट ट्रस्ट के प्रबन्धतंत्र के सबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई के पक्षपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-12-1995 को प्राप्त हुआ था।

[संख्या एल-31012/12/92-आई.आर. (विविध)]
बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 27th December, 1995

S.O. 113.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bombay as shown in the Annexure, in the industrial disputes between the employers in relation to the management of Bombay Port Trust and their workmen, which has received by the Central Government on the 18-12-1995.

[No. 31012/12/92-IR(Misc.)]
B. M. DAVID, Desk Officer
ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2, BOMBAY
SHRI S. B. PANSE
REFERENCE NO. CGIT-2/41 of 1993

AND

Employers in relation to the Management of
Bombay Port Trust.

AND
Their Workmen

APPEARANCES :

For the Employers—Shri C. D. Nargolkar,
Advocate.

For the workmen—Shri Jayprakash Sawant,
Representative.

Bombay, dated 5th December, 1995

AWARD

The Government of India, Ministry of Labour by its letter No. L-31012/12/92-IR (Misc.) dated 5-5-93 had referred to the following Industrial Dispute for adjudication.

“Whether the action of the Management of Bombay Port Trust, Bombay in rejecting the demand for change in entry date of birth of Shri William J. Machado, Wireman, Elec. Engineering Deptt. of

Chief Mechanical Engineer, from usual entry of 1st July, 1934 to 17th March, 1936 based on School Leaving Certificate/Baptism certificate is just, proper and legal? If not, to what relief is the workman entitled to?”

2. The Secretary of the Union contended that the birth date of the worker as recorded in the record of the Company on Medical Examination. It is recorded as 1-7-1934. It is averred that all the workmen were subsequently allowed by the management to correct their dates of birth on production of authentic documents like birth registry extract or school leaving certificate in support of the claim. It is submitted that the workman produced school leaving certificate showing his birth date to be 17-2-36. He requested to effect the change. But the management declined to do so. On the basis of the birth date in the school leaving certificate the workman is entitled to continue in service till he attains the age of 58 years i.e. up to 28-2-1994. It is submitted that the action of the management of refusal to make the necessary correction of the record is unjustified.

3. The management resisted the claim by the written statement Ex-‘3’. It is contended that the correct birth date which the workmen wants to make in the records brings the worker as minor when he joined the service for which he is not entitled to. It is averred that the workmen had never made the claim to correct the date of birth in the record at the proper time. It is submitted that the worker had no case and his application was properly rejected. It is submitted that under such circumstances the reference may be answered in favour of the management.

4. The Union took adjournment for pleading evidence in the matter. Ultimately the Secretary of the union filed a purhsis (Ex-‘7’) for withdrawal of the dispute. The advocate for the management opposed it and contended that it may be rejected.

5. At Ex-‘6’ is an application by the Union for seeking the adjournment. I granted the same making a specific order that, that was the last adjournment. Today when the matter is for evidence the present, application (Ex. ‘7’) for withdrawal is filed. In other words that union had no evidence to lead in the matter. As the withdrawal application is opposed and as there is no evidence on behalf of the union, I do not find any merit in the dispute raised by the union. I therefore pass the following order :

ORDER

1. The action of the Management of Bombay Port Trust, in rejecting the demand for change in entry of date of birth of Shri William J.

Machado, Wireman, Electrical Engineering Department of Chief Mechanical Engineer from usual entry of 1-7-1934 to 17-3-1936 based on school leaving certificate/Baptism certificate as just, proper and legal.

2. No order as to costs.

S. B. PANSE, Presiding Officer

नई दिल्ली, 27 दिसम्बर, 1995

का.आ. 114:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टूटीकोरीनसैलिंगवैसल ओनर्स टुटीकोरीन "28001" के प्रबन्धकों के संबद्ध नियोजकों और उनके कामकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मद्रास के पंच-पट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-12-95 को प्राप्त हुआ था।

[संख्या एल-44012/6/93-आई.आर. (विविध)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 27th December, 1995

S.O. 114.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Madras as shown in the annexure, in the industrial dispute between the employers in relation to the management of the Tuticorin Sailing Vessel Owner's Tuticorin-28001 and their workmen, which was received by the Central Government on the 20-12-95.

[No. L-44012/6/94-IR(Misc.)

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL,
TAMIL NADU, MADRAS

Wednesday, the 4th day of October, 1995

PRESENT :

Thiru N. Subramaniam, B.A.B.L.,
Industrial Tribunal.

Industrial Dispute No. 96 of 1994

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the workman and the Management of Shri C. Leo Machado, Tuticorin).

BETWEEN

Shri M. Ayamson,
C/o The General Secretary,
Tirunelveli District Democratic General
Workers Union,
Tuticorin-628001.

AND

Shri C. Leo Machado,
C/o The Secretary,
The Tuticorin Sailing Vessel Owners'
Association,
72, Thattar Street,
Tuticorin-628001.

Reference : Order No. L-44012/6/93-IR(Misc),
dated 1-3-94, Ministry of Labour, Govt.
of India, New Delhi.

This dispute coming on for final hearing on Friday, the 22nd day of September, 1995 upon perusing the reference, claim statement and all other material papers on record and upon hearing the arguments of Txl. K. Arumugam and M. Jayaprakash Authorised Representatives for the Workman, and the management being absent, and this dispute having stood over till this day for consideration, this Tribunal made the following award.

AWARD

The Government of India, by its Order No. L-44012/6/93-IR(Misc.) dated 1-3-94, referred for adjudication by this Tribunal u/s. 10(1)(d) of the Industrial Disputes Act, 1947 regarding the dispute.

"Whether the action of the Management of C. Leo Machado, in denying employment to Shri M. Ayamson, is justified? If not, to what relief the concerned workman is entitled?"

2. The case of the petitioner is as follows :

The petitioner was working as one of the boatman under the respondent in Boat No. TU 11 from 1984. The duties of the boat man are to carry the Cargo in the boats to the ship and also to bring the Cargo from the ship to the shore. The respondent paid monthly wage on piece rate basis, at Rs. 1,500/- to Rs. 2,000/- per month. He also paid Rs. 5/- as bata to the petitioner and Rs. 35/- as educational allowance to their children. The petitioner and other similar workers working with other boat owners joined together. They formed a union to place their grievances before Management. The petitioner placed several demands before the management. The respondent and other boat owners disliked the formation of the union and the retaliation, orally terminated the service of the President of the union. The respondent refused to give work to the petitioner from 13-2-91. All the workers went on a strike for 15 days from 27-1-91. Conciliation talk before the Collector did not materialise. Hence they raised the dispute before the Conciliation Officer, after failure of the Conciliation, the Central Government has referred the dispute for adjudication. The respondent denied employment to the petitioner only on the sole ground that a new union was formed and the petitioner joined in that union. Petitioner was not charge sheeted. No enquiry was conducted. The action of the respon-

dent in denying employment is in total violation of principles of natural justice. The petitioner has put in more than 7 years of service. The petitioner is a permanent boatman and cannot be thrown out in that fashion. Various provisions of the Industrial Disputes Act are not followed. The action of the respondent is clearly an unfair labour practice and victimisation. Hence the dispute has been raised.

2. The respondent remained exparte.

3. WW1 was examined and Exs. W-1 to W-5 were marked. According to him he was working as boatman from 1984 under the respondent. In 1991 the workers formed a union and a placed demands before the management. Aggrieved by the demands by the petitioners and others, the respondent refused to give work to the petitioner from 13-2-91. The petitioner had put in more than 7 years of continuous service. He was not charge sheeted and no enquiry was conducted. The provisions of the Industrial Disputes Act particularly Sec. 25-F was not followed. So, it is clearly proved from the evidence of WW1 and the documents marked, the denial of work to the petitioner by the respondent is not justified.

In the result, an award is passed directing the respondent to reinstate the petitioner in service, with continuity of service, and back wages. No costs.

Dated, this the 4th day of October, 1995.

THIRU N. SUBRAMANIAM, Industrial Tribunal
WITNESSES EXAMINED

For Workman :

W.W.1 : Thiru M. Ayamson.

For Management : None.

DOCUMENTS MARKED

For Workman :

Ex. W-1 : Xerox copy of photo pass of WW1.

W-2 : Dispute raised by the workman under Section 2-A of the I.D. Act, before the Assistant Labour Commissioner (Central) Madras (Copy).

W-3 : Counter statement filed by the management before the Labour Enforcement Officer (Central), Madras (Xerox copy).

W-4/3-6-92 : Letter from Harbour Master, Tuticorin Port Trust, Marine Department, regarding termination of boat workers (Xerox copy).

Ex. W-5/21-2-91 : Letter from the General Secretary, Boat Workers Union, Tuticorin to the District Collector, Tuticorin (Xerox copy).

नई दिल्ली, 28 दिसम्बर, 1995

का.आ. 116.—उत्प्रवास अधिनियम, 1983 (1983 का 31) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार श्री कुलदीप राय, वर्मा, उत्प्रवास संरक्षी-II को दिनांक 4-1-1996 से अगले आदेश जारी होने तक उत्प्रवास संरक्षी-II, हैदराबाद के रूप में नियुक्त करती है।

[संख्या ए-22012/1/92-उत्प्रवास]

वी. डी. नागर, अवर सचिव

New Delhi, the 28th December, 1995

S.O. 115.—In exercise of the powers conferred by Section 3, Sub-section (1) of the Emigration Act, 1983 (31 of 1983), the Central Government hereby appoints Shri Kuldeep Rai Verma as Protector of Emigrants-II, Hyderabad with effect from 4th January, 1996, till further orders.

[No. A-22012/1/92-Emig.]

V. D. NAGAR, Under Secy.

नई दिल्ली, 28 दिसम्बर, 1995

का.आ. 116.—राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में केन्द्रीय सरकार कल्याण एवं उपकर आयुक्त का कार्यालय (श्रम मंत्रालय), जबलपुर के प्रशासनिक नियंत्रणाधीन निम्नलिखित कार्यालयों को एतद्वारा अधिमूचित करती है :—

1. कल्याण प्रशासक का कार्यालय, रायपुर।

2. कल्याण प्रशासक कार्यालय, इन्दौर।

[संख्या ई-11011/1/93-रा.भा.नी.]

आर. के. रंग, उप सचिव

New Delhi, the 28th December, 1995

S.O. 116.—In pursuance of sub-rule (4) of Rule of 10 of the Official Language (use for Official purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices under administrative control of Office of the Welfare and Cess Commissioner (Ministry of Labour), Jabalpur :—

1. Office of Welfare Administrator, Raipur.

2. Office of Welfare Administrator, Indore.

[F. No. E-11011/1/93-R.B.N.]

R. K. RANG, Dy. Secy.

नई दिल्ली, 29 दिसम्बर, 1995

का.आ. 117.—यूनितम मजदूरी अधिनियम, 1948 (1948 का 1) की धारा 26 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, बंबई पत्तन न्याय के अन्तर्गत कार्यरत क्लोदिना कर्मचारियों के कार्यधर्तों

अवकाश दिवस और अतिरिक्त समय के संबंध में लागू विशेष विनियमों के संबंध में एतद्वारा यह निर्देश देती है कि उक्त अधिनियम की धारा 13 एवं 14 के उपबंध निम्नलिखित शर्तों पर उक्त कर्मचारियों पर 10-12-95 से 5 वर्षों की अवधि तक लागू नहीं होंगे :—

(i) बम्बई पत्तन न्यास, उक्त विनियमों को एक पुस्तिका के रूप में अंग्रेजी भाषा में और ऐसी भाषा या भाषाओं में प्रकाशित करायेंगे जिसे अधिकतर कर्मचारी समझते हों,

(ii) उपरोक्त विनियमों में कोई संशोधन करने के पूर्व, बम्बई पत्तन न्यास संबंधित कर्मचारियों की प्रस्तावित संशोधनों की सूचना देने के लिये नोटिस देना, इस नोटिस को उपरोक्त पत्तन न्यास के कार्यालय के सूचना पटल पर लगाया जायेगा और ऐसे व्यक्तियों, जिनके हितों में प्रभावित होने की संभावना है, द्वारा की गई ऐसी सभी आपत्तियाँ और सुझावों पर विचार करेगा जो नोटिस देने की तारीख से एककोस दिन के भीतर प्राप्त हो।

(iii) उपरोक्त शर्त (i) में निर्दिष्ट पुस्तिका की एक प्रति और उसमें किये जाने वाले प्रत्येक संशोधन की एक प्रति प्रत्येक संबंधित कर्मचारी को उपलब्ध करायी जाएगी।

[संख्या एस-32012/3/95-इब्ल्यू.सी. (एम डब्ल्यू.)]
डी.के. त्रेहान, श्रम एवं रोजगार सलाहकार

New Delhi, the 29th December, 1995

S.O. 117.—In exercise of the powers conferred by sub-section (2) of Section 26 of the Minimum Wages Act, 1948 (11 of 1948), the Central Government, having regard to the special regulations in force in respect of the duty hours, rest day and overtime of the Flotilla workers working under the Bombay Port Trust, hereby directs that provisions of section 13 and 14 of the said act shall not apply to the said employees for a period of 5 years with effect from 10-12-95 subject to the following conditions, namely :—

- (i) The Bombay Port Trust shall publish the said regulations in a pamphlet form in the English language or languages understood by the majority of the employees;
- (ii) before making any amendments to the aforesaid regulations, the Bombay Port Trust shall inform the employees concerned, by notice to be put up on the notice board at the office of the aforesaid Port Trust, of the proposed amendments and shall consider any objections or suggestions that may be made in respect thereof by persons likely to be affected thereby within twenty one days of such notice and
- (iii) a copy of the pamphlet referred to in condition (i) above and a copy of every

amendment thereto shall be supplied to each employee concerned.

[No. S-32012/3/95-WC(MW)]
D. K. TREHAN, Labour and Employment
Adviser

नई दिल्ली, 1 जनवरी, 1996

का.आ. 118. केन्द्रीय सरकार, सन्तुष्ट है कि लोकहित में यह अपेक्षित है कि बैंक नोट प्रेस, देवास (म.प्र.) में सेवा, जो औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची में प्रविष्टि 22 द्वारा सम्मिलित है, उक्त अधिनियम के प्रयोजनों के लिये लोक उपयोगी सेवा घोषित की जानी चाहिये।

अतः अब औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ड) के उपखंड (vi) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिये तत्काल प्रभाव से छः माह की कालावधि के लिये लोक उपयोगी सेवा घोषित करती है।

[संख्या एस-11017/14/85-डी-1(ए)]
एस. वेणुगोपालन, श्रम सचिव

New Delhi, the 1st January, 1996

S.O. 118.—Whereas the Central Government is satisfied that the public interest requires that the service in the Bank Note Press, Dewas (MP) which is covered by entry 22 in the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be public utility service for the purpose of the said Act;

Now therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months.

[No. S-11017/14/85-D.I(A)]
S. VENUGOPALAN, Under Secy.

नई दिल्ली, 2 जनवरी, 1996

का.आ. 119. औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारियों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-1-96 को प्राप्त हुआ था।

[संख्या एस-12012/166/88/डी-II ए/आईआरबी-2]
पी.जे. माइकल, डैस्क अधिकारी

New Delhi, the 2nd January, 1996

S.O. 119.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workmen, which was received by the Central Government on 1-1-96.

[No. L-12012|166|88DIIA|IR(B-II)]

P. J. MICHAEL, Desk Officer

ANNEXURE

IN THE COURT OF S. R. BANSAL, PRESID-
ING OFFICER CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL - CUM - LABOUR
COURT, CHANDIGARH

I.D. No. 97 of 1988

Rajinder Singh. ... Workman.

Versus

Punjab National Bank ... Management.

PRESENT :—

1. Workman Representative—Shri T. C. Sharma.
2. Management Representative—Y. S. Chib.

AWARD

The Central Government vide their Notification No. L-12012|166|88-D-II(A) dated 2-12-1988 in exercise of powers vested under Section 10(1)(d) of the Industrial Dispute Act, 1947 referred the following dispute for adjudication to this Court :—

“Whether the action of the Management of Punjab National Bank in dismissing Shri Rajinder Singh from the service of the Bank is justified? If not, to what relief the concerned workman is entitled to?”

On receipt of above-said reference, notice was sent to the parties for appearance before this Court. The workman filed his claim statement alleging therein that he was placed under suspension by the Management vide letter dated 22-8-1983 and an enquiry was instituted against him by appointing Shri Malwinder Singh as Enquiry Officer. It was alleged that the appointment of the enquiry officer was not in accordance with the Desai Award read with bi-partite settlement. He further alleged that he was dismissed from service without affording proper opportunity as per requirement of law. The respondent-Management filed their written statement and asserted that the workman was dismissed from service after providing him the required opportunity and by complying with the principles of natural justice.

Both the parties were later on afforded opportunity to lead their evidence. While the workman filed affidavit dated 18-1-1991, the Respondent-Management filed affidavit Exhibit M-1 of Shri Sanjeev Sharma dated 8-12-1993. In his affidavit, the workman deposed that the reply submitted by him to the charge-sheet was not given due consideration by the Management and the enquiry was conducted thereafter in an arbitrary manner. He further deposed that the proceedings of the enquiry were not conducted in accordance with the proviso of the bipartite settlement. He also deposed that the disciplinary authority did not properly apply its mind before removing him from the service of the Bank. He also deposed that his appeal against dismissal was also not properly considered and that due opportunity was not afforded to him by the Appellate Authority. The workman also produced himself affidavit in the witness box for cross-examination. In his cross-examination he admitted that Smt Surinder Kaur, an account holder in the Branch at Rajpura, had made a complaint against him for withdrawing Rs. 1,000/- from her account for which he was charge-sheeted by the Bank. He also admitted in the cross-examination that in the enquiry proceedings, the Management had produced its witness whom he had cross-examined. He has also admitted that before inflicting the impugned punishment he was served with a show cause notice to which he had filed a reply also. He has also admitted that he was given opportunity of personal hearing by the Management. The workman after adducing his evidence, closed his evidence. The respondent Management in the affidavit of Shri Sanjeev Sharma, however, proved that the workman was afforded the required opportunity as per requirement of Para 19 of the bi-partite settlement before the impugned order was passed against him. It was also deposed that at the appellate stage also the appellate authority gave him personal hearing before dismissing his appeal against the order of dismissal. The Management placed on record documents Exhibit M. 2 and M. 3 for consideration by this Court. I have heard the representatives of the parties and have also gone through the record carefully. While the representative of the Management filed the written arguments, the representative of the workman addressed the arguments orally. It was argued by the representative of the workman that the workman was not afforded the required opportunity both at the stage of enquiry as also later on at the appeal stage by the appellate authority. It was submitted that no notice was displayed on the notice board as per requirement of bi-partite settlement by the Disciplinary Authority. It was also argued that the enquiry officer was not produced by the Management with a view to prove his enquiry. It was also further argued that the Branch Manager was not competent to charge-sheet the workman. In his written arguments, the respondent Management,

however, tried to prove that the workman was involved in a case of embezzlement in the shape of un authorized withdrawals from the accounts of Shrimati Surinder Kaur and Shri Sant Ram, for which he was charge-sheeted by the Management and the enquiry report was submitted by the Enquiry Officer to the Management. The representative of the Management also highlighted the provisions of bipartite settlement, according to which the employees of the Bank found guilty of gross misconduct can be dismissed from service even without notice. It was argued that as per provisions of Rule 19.5(d), wilful damage or attempt to cause damage to the property of the Bank of any of its customers constitutes the gross misconduct. The representative of the Management in his arguments proved that the workman was afforded the required opportunity as per the requirement of bi-partite settlement and principles of natural justice before dismissing him from the service of the Bank. I have gone through the various documents as placed on the record by both the parties. Exh. M. 2 reveals that Shri Malwinder Singh, Personnel Officer, Ludhiana, was appointed as Enquiry Officer to hold enquiry into the truth of the charges levelled against Shri Rajinder Singh workman. With Exhibit M-2, the enquiry report dated 27-6-1985 is also attached, which reveals that Shri Rajinder Singh workman had unauthorisedly withdraw Rs. 1000/- from the account of Smt. Surinder Kaur and this charge was proved against him by the enquiry officer. It was proved by the enquiry officer that the workman had forged the signatures of Smt. Surinder Kaur in the withdrawal slip and, thus, caused her loss to the extent of the said amount, Exhibit M-3 is the enquiry report concerning the other charge-sheet relating to the complaint of Shri Sant Ram, according to which the workman unauthorisedly withdrew Rs. 1,000/- from his Saving Fund Account maintained in the Branch at Ludhiana. This enquiry was also conducted by Shri Malwinder Singh, enquiry officer and his report dated 11-5-1984 is there on the record of this Court, according to which it is established that the workman made a wilful attempt to cause damage to the property of the said complainant by making unauthorised transactions in this account. The persual of enquiry report dated 27-6-1985 reveals that the workman had duly

cross-examined the witnesses of the Management and had even produced his own witness Shri Fateh Singh, Sarpanch. The enquiry report dated 1-5-1984, in any case shows that the enquiry office provided sufficient opportunity to the workman to defend himself before the enquiry officer, but it appears that he intentionally tried to evade the enquiry proceedings against him and did not associate himself with the enquiry proceeding, as a result of which the enquiry officer had no other alternative but to proceed against him ex-parte. The workman in his letter dated 3-11-1983 had clearly told the enquiry officer that Shri V. S. Mallhi shall represent him during the course of enquiry, but it appears that he did not produce him intentionally for the reasons best known to him. The record, any how, shows that the workman was charge-sheeted by the competent authority and considering the same as unsatisfactory, enquiry was conducted against him by the enquiry officer who afforded the required opportunity to him during the course of the enquiry against him. There appears to be nothing wrong in the findings of the enquiry officer. The charges as level against the workman stand proved on the basis of the finding of the enquiry officer and the respondent Management inflicted the impugned penalty upon the workman after serving of show cause notice upon him, as per requirement of the settlement. The charges against the workman which are in the nature of embezzlement of Public money are pretty serious and they constitute a gross misconduct as per provisions of the bi-partite settlement. In a Banking Institution, such types of allegations are certainly required to be looked into with great concern, as they ultimately affect, the reputation of the Banking Institution. I am, thus, satisfied that the action of the Management in dismissing the workman from the service of the Bank was perfectly justified. The workman is thus not entitled to any relief. The reference of the Central Government shall stand answered accordingly. The appropriate Government be informed.

Chandigarh

Dated : December, 15, 1995

S. R. BANSAL, Presiding Officer